This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

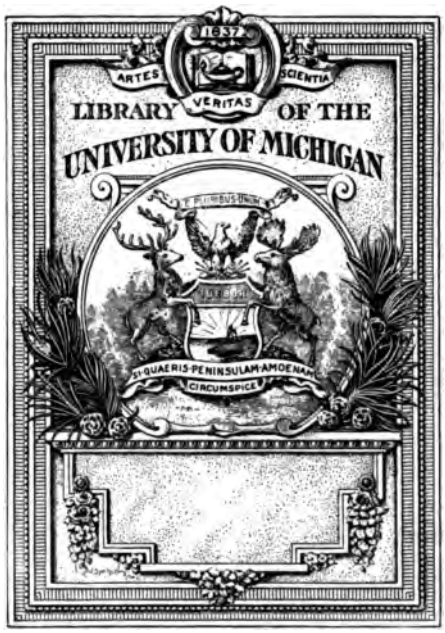
+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`



THE GIFT OF
Smith. G. Smith. Esq.

5228.

60TH CONGRESS : : 1ST SESSION

DECEMBER 2, 1907-MAY 30, 1908

HOUSE REPORTS

(PUBLIC)

IN 4 VOLUMES

VOL. 4

WASHINGTON :: GOVERNMENT PRINTING OFFICE :: 1908

60TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT No. 1727

HOUSE OF REPRESENTATIVES, UNITED STATES
SELECT COMMITTEE
UNDER HOUSE RESOLUTION 288
WASHINGTON, D. C.

HEARINGS

BEGINNING MARCH 9, 1908

HENRY S. BOUTELL, CHAIRMAN
FREDERICK C. STEVENS
MARLIN E. OLMSTED
WILLIAM M. HOWARD
ROBERT F. BROUSSARD

PART 3—TESTIMONY

WITH INDEX

WASHINGTON
GOVERNMENT PRINTING OFFICE
1908

HEARINGS UNDER HOUSE RESOLUTION 288.

HOUSE OF REPRESENTATIVES,
Tuesday, March 17, 1908.

AFTERNOON SESSION.

The committee met, pursuant to the taking of recess, at 2.30 o'clock p. m.

All the members of the committee were present.

TESTIMONY OF ANGUS A. ERLY.

ANGUS A. ERLY, after first being duly sworn, upon being examined, testified as follows:

The CHAIRMAN. The examination of Mr. Erly will be conducted by Mr. Broussard.

By Mr. BROUSSARD:

Q. Give your name, residence, and occupation.—A. Angus A. Erly. I have been a newspaper man. I am not at present. I expect to go back again. I live here in Washington.

Q. What is your address?—A. The Rivera apartment house.

Q. You have been a newspaper man?—A. Yes, sir.

Q. Up to what time?—A. I have been in the newspaper business since 1896.

Q. What was your last service with a newspaper?—A. The last employment I had was with the present United Press Association. Formerly it was the Scripps. They changed the name in the last year. I went to work with them, I think it was, the first Monday in December, 1897.

Q. How long did you work for them?—A. Up until Mr. Lilley made his charges.

Q. Where was the place in which you transacted your business?—A. Practically all the time at the House.

Q. You had offices in this city?—A. Yes; they have offices here; it is now in the Herald Building; but I worked at the House.

Q. Are you a member of the Press Gallery of the House?—A. We were in a way, yes; we never had anything to do with the gallery. We were members of the gallery. We were entitled to the privileges of the floor in representing the press association.

Q. You say you worked for this press association at the time Mr. Lilley made the charges?—A. No; he brought my name into it on Saturday, February 22, and I was dismissed on the following Monday morning.

Q. State what those charges were.—A. Mr. Lilley——

Q. Which Lilley?—A. Representative Lilley, in his controversy with Mr. Lord in regard to remarks in an interview, had occasion to speak to newspaper men, Mr. Smith, of the Post, and Mr. Wooley, of the World, and he showed them a notebook in which my name

193994

was written down as one of the men he had been warned against as a man in the employ of the Electric Boat Company.

Q. What day do you say this occurred?—A. February 22, this year.

Q. Had you been, as a matter of fact, in the employ of the Electric Boat Company?—A. No; I never have been in their employ.

Q. You have been in the employ of nobody connected with the Electric Boat Company?—A. Not exactly. During the summer Mr. C. S. McNeir, whom I have known since 1898, an attorney for the company here, a friend of mine, had some newspaper articles, and I believe he first suggested that I would take them around to the correspondents. The newspaper men here are very anxious to secure feature stuff, because lots of them send mail letters, and they are very glad to get anything that anybody will give them that they can mail out, and I gave some stories around for Mr. McNeir to newspaper men here, merely for them to use or not, as they wanted to. This stuff was not given to the United Press Association.

Q. That was given to other correspondents?—A. Yes. It was mail stuff—feature stuff.

Q. What was the nature of that article that you have referred to? Was it one or more?—A. There were more. One of them, I think, had to do with Jules Verne and the history of submarines. Another one had an article that Mr. McNeir gave to me, and I carried it around for him; it had to do with the charges in regard to the French boats. These French boats were having trouble, some people were drowned in the French submarines, and there was another one—to tell the truth, I didn't read them.

Q. Were you paid for that service?—A. I told Mr. McNeir one day I needed expense money, because downtown at one time there were lots of the boys in Gerstenberg's and I went in there and they were eating lunch, and they stuck me for it. They said I would have to pay for it. I told Mr. McNeir that was one of my expenses, and he gave me—I don't know the exact amount, but it was $36 all together. He looked it up. I want to say, Mr. Broussard, that this had nothing to do with legislation at all. It did not interfere in any manner at all with the moral obligation put upon a man in the gallery. The Congress was not in session. There was no Congress in fact. It did not organize until December, and there is no reason in the world why I should not do what I did do.

Q. The service which you did during the recess of Congress, was there anything in regard to that employment that was in the nature of a continuous contract, by which you were to continue this work after Congress was in session?—A. No; there was no contract. He asked me to take the stuff around, and I would like to say this, that I have known Mr. McNeir ever since 1898, and he never asked me anything about Congress. He never asked me what the committee was going to do, or to do anything about Congress, or what the Naval Affairs Committee was going to do.

Q. I want to read a passage from Mr. Lilley's testimony, and ask you what you know about it—anything you may have learned since your employment here for the company for which you have been working until lately: "I also ascertained the fact that under the guise of the employment of certain newspaper representatives for insignificant service considerable sums of money had been paid to them

by the Electric Boat Company, presumably for the purpose of securing their aid and assistance in coloring their newspaper reports in favor of the said Electric Boat Company." What do you know with reference to this matter?—A. The only person I know who ever wrote anything for the company is Lord. He has written some stuff for them. In regard to the things I have written for the United Press Association, the committee can readily secure the originals, I suppose; and I suppose in this last Congress 400 words will cover everything that has been written about naval affairs.

Q. You never wrote anything for that company?—A. No, sir.

Q. Received no pay whatever?—A. No, sir.

Q. Were you part of this lobby to which reference is made?—A. If so, I didn't know it.

Q. Do you know anything about who is a part of that lobby?—A. No, sir.

Q. Is there a lobby to your knowledge, or has there been since you have been in the employ——A. I am not in the employ of the company.

Q. Since you were in the employ of the particular association which you represented here as a newspaper man?—A. I have never—well, it all depends upon what you mean by lobby. I have often seen lawyers around the Capitol.

Q. I am talking about newspaper men. I have read a paragraph to you containing a specific charge made here that there is a newspaper lobby whose duties consist in coloring reports with respect to this particular company, with the view of giving it some advantage in some way or other?—A. Do you mean as an employee of the company?

Q. Yes.—A. No, sir; I know of no such.

Q. Do you know of any large sums of money spent with a view of coloring the newspaper articles?—A. No, sir.

Q. You don't know of any at all?—A. No, sir.

Q. Against whom were charges made among the newspaper men by Mr. Lilley growing out of these charges against the Electric Boat Company after he introduced his resolution for investigation?—A. He named Lord and myself and Mr. Oulahan, of the Sun, and Mr. — Archibald or something——

Q. To whom did he name these men?—A. To Mr. Wooley, of the New York World, and Mr. Smith, of the Washington Post.

Q. What result did it have?—A. Mr. Wooley came to me and said Mr. Lilley had said I was an employee of this company and asked about it, and I told him I was not an employee of the company, and to put myself exactly straight I told him that during the summer I had performed service for Mr. McNeir, and that Mr. McNeir paid me my expenses at the time. I told him what it was. And I made plain to explain to Mr. Wooley that it had nothing to do with Congress; that Congress was not in session, it did not interfere with the rule of the gallery in any way whatsoever.

Q. What did they do to you?—A. I went to the office—the World printed part of the statement on Sunday morning, and I went into the office and Sunday night the press committee moved to suspend me—I went into the office Monday morning——

Q. Who were suspended?—A. Just Lord and myself.

Q. How about the other two?—A. The last party had nothing to do with it. Oulahan was not suspended. I went to the office on Monday morning and stated to Mr. Keen, the manager, "I am under a cloud, and will give you my resignation." He says, "No, I won't accept it." I says, "Then suspend me pending the outcome of this," and he said, "All right; you are suspended." He says, "How about making a statement in regard to this thing in the New York World?" I says, "I don't want to say anything at all until the entire matter is cleared up, and then I will make a statement to the office." After that time he called me on the phone, I was in the office building, and he said he was very sorry to tell me that the New York office had ordered me dismissed.

Q. Were you ever tried on those charges?—A. We were before the standing committee of correspondents.

Q. You and Mr. Lord?—A. Yes, sir.

Q. What happened there?—A. The committee called on Mr. Lilley for his evidence to sustain the charge, and they heard us, and they reinstated us in the gallery, but that did not mean anything to me, because I had nothing to be reinstated about. They said we had been indiscreet, because we knew Mr. McNeir—in our transactions with Mr. McNeir. There was a question. We could have appealed from the action of the correspondents. We did not do that. We let it go. That committee had said we were indiscreet.

Q. Was the testimony taken in writing in these proceedings of which you have just spoken?—A. I do not know.

Q. Did Mr. Lilley testify before this committee?—A. The committee called on Mr. Lilley for a statement.

Q. Did he give a statement in writing or verbally?—A. My understanding is that Mr. Lilley—the committee asked him numerous questions, then the matter was taken down, and the committee, according to Mr. Splain, the chairman of the standing committee, Mr. Lilley was to furnish three copies of the questions and answers, one for the committee, and one for Lord, and one for myself, but Mr. Splain said he did not get that. What we got was a confidential letter from Mr. Lilley bearing on these charges.

Q. Have you the letter now?—A. No. I never had it. I read it.

Q. Who had it?—A. Mr. Splain.

Q. Does that treat of these charges?—A. In regard to myself, it does not say much about me at all. I don't think it goes into the charges.

Q. What is Mr. Splain's full name?—A. Maurice Splain. He is a newspaper correspondent who has been elected chairman of the committee.

Q. Did he conduct this examination himself?—A. The entire committee was present. He conducted it.

Q. Did you reply to this letter in writing or verbally before this committee?—A. I went before the committee.

Q. You gave your evidence verbally?—A. Yes, sir.

Q. There is nothing in writing in respect to your reply?—A. No, sir.

Q. How much money did you receive from Mr. McNeir?—A. Thirty-six dollars.

Q. How long were you connected with him in the matter of these newspaper articles?—A. Well, I was not exactly—it was sometime during the summer; I could not say the exact time. It was not

day-to-day or week-to-week, but occasionally. He had some stuff, and I just carried it around to the boys.

Q. Was any stuff that you carried given with a view of its being paid for, the publication of it?—A. No, sir.

Q. Do you know whether there was any paid for by any newspaper?—A. The stuff I handed them, they could use it or not. That is, they are glad to get feature stuff; they are all glad to get it, and some of the fellows have four papers and they want four copies. There was nothing said about paying anybody anything for it, and no occasion for doing that at all.

Q. How much money did you testify to having received before the press committee?—A. Before that committee there was a question. I thought it might have run $39 or $40; I was not sure, because that became involved in a private contraction I had with Mr. McNeir that had nothing to do with the boat company. I loaned him some money one time. I don't know how much it was, and when he paid me back I did not know whether the $25 was too much or not. And I thought it might run $40, and the committee I believe ran in this $25 with the $36 and made it $61. I told them that was not correct at the time.

Q. Before the press committee that you received $61?—A. I was trying to let—no, sir. What I testified to was that it might have been $40 of Electric Boat Company money that I got. I did not know. There was $61 mentioned, but I didn't know whether the $20 had anything to do with it, or the $25, but I have found out since from Mr. McNeir that his books show I had $36.

Q. Have you any employment at this time?—A. Yes, sir.

Q. What employment?—A. I am clerk for the House Committee on Expenditures in the Treasury Department.

Q. What is your salary?—A. Six dollars a day.

Q. Mr. Lilley wants to know how many days you have worked, how many meetings of the committee?—A. The committee has not had any meetings.

Q. To whom did you apply to secure this position?—A. I got this position in a very peculiar way. On Thursday following the 22d day of February the House passed a resolution creating clerks for these expenditures committees, and Mr. Knopf is chairman of that committee, and Chicago is my original home, and Rodenberg and Mr. Knopf had no candidiate for the office, and he gave it to me.

Q. Did you have any talk about this resolution before it was introduced in the House?—A. What resolution?

Q. The resolution creating clerkships?—A. I didn't know it was going through, to tell the truth I didn't know anything about it.

Q. At whose suggestions did you apply to Mr. Knopf for this position?—A. Mr. Rodenberg told me—I had nothing to do, and he says, "Go for that, and I will help you get it;" that was, I think, on the Tuesday following its going through.

Q. Do you know if the committee has had a meeting since you have been appointed?—A. The committee has never had a meeting; we only have three bills pending.

Q. Has that committee ever had a meeting to your knowledge?—A. The committee had a meeting, according to the record, fourteen years ago. I looked it up.

Q. Do you know George Ripley?—A. I might. I know lots of people, but don't know who they are.

Q. I ask this question at the request of Mr. Lilley, because I do not know anything about it myself?—A. I might know him if I saw him personally. I do not know him by name.

Q. Were you in Shoemaker's saloon a week ago last Saturday night?—A. I might have been—yes; I was.

Q. Who was with you?—A. I went in there with Mr. Broussard.

Q. Who else went in there with you?—A. No one else.

Q. What were you doing?—A. Well, sir, I went on Mr. Broussard's invitation to have a drink.

Q. With whom did you converse in that saloon?—A. Mr. Broussard and Mr. Tinker, the newspaper man, and two doctors, and Count Perreard was there.

Q. What was the subject of conversation?—A. I asked Mr. Broussard what he was going to do with us newspaper fellows. He said he had not taken the matter up yet; he didn't know what they would do with us. I said, "We will be around if he wants us."

Q. I wish you to relate the whole conversation.—A. Well, coming up the street Saturday afternoon between 5 and 6, Mr. Broussard was standing on the Times steps, the next door to Shoemaker's, and he said he was waiting for Robertson, the newspaper man. He said, "Will you have a drink?" I said, "I will." We went in, and Mr. Broussard bought me a drink. I introduced him to Mr. Tinker and the two doctors, and I asked him what he was going to do with the newspaper men, what the committee would do with them, if they wanted us before the committee, and he said that had not been decided upon, and he asked me if I had saved newspaper clippings on this. I said yes, I had saved the papers as they came out bearing upon this thing. He asked me if I would let him have them. I said I would. He said, "I don't know a thing about this case at all, and I would like to see what the papers have been printing about it." And we had one drink. I told Mr. Broussard I would bring him the papers. We went outside and met Mr. Robinson and Mr. Broussard stopped with Mr. Robinson, I don't know whether we had to wait there for Robinson to come down or not, but I went on about my way, and I took what papers I had and on Monday I gave them to Mr. Broussard.

Monday evening I went into the New York American office and Mr. Norcross told me that Mr. Lilley, of Connecticut, had been in to see him, and he wanted to know—that Mr. Lilley had asked him about a statement that he was said to have made, that I had a roll of money and was fixing the committee, and I was down in Shoemaker's getting Mr. Broussard drunk, and I asked him what kind of a fairy story that was, and he said, "Well, Mr. Lilley came and asked me about it, and I told him I didn't know anything about it at all only what I had heard from Wooley. So I went out and looked for Wooley, and I saw him, and he said Mr. Lilley had been looking for me, and Wooley admitted that he had been telling the story, and was very sorry to say he thought it was a very funny story, very humorous, and he had elaborated on it as he told it, and one time he told it in Mr. Lilley's presence and everybody that he could recall seemed to think it was funny except Mr. Lilley. And I impressed upon him that it was a very serious matter, it was a very damaging thing, and

he said he would do the best he could to counteract the story. Tuesday morning I came to the Capitol and Mr. Broussard was in one of the corridors, and I told him I wanted to speak to him, but I told him I would not speak to him unless there was a third man present, and we called in Mr. Corry Stadden, of New Orleans, and I told him about Mr. Lilley calling on Mr. Norcross, and Mr. Norcross had told him about our conversation with Mr. Wooley, told him I thought I was in duty bound to tell him, and he said "all right," and that was the end of it.

Mr. BROUSSARD. Is that what you wanted to know, Mr. Lilley?

Mr. LILLEY. I wanted to know all about it.

By Mr. OLMSTED:

Q. Have you stated all that occurred at that meeting between Mr. Broussard and yourself?—A. I might have said something about Mr. Lilley.

Q. What did you say about him?—A. Well, sir, I can not recollect; I don't know. I only thought—well, whatever I did say about him would not be in parliamentary language. I couldn't repeat it.

Q. We would be glad to have you repeat it, if you can.—A. I can not repeat it—I can not say what—the gist of the conversation was that he asked if I had the newspaper clippings, and I said yes, and he said he would like to have them. I asked him what they were going to do—oh, I remember another thing I said to him, and I don't know whether he heard me or not, because as I was talking to him Count Perreard came up and I mentioned an idea about this investigation, and I called attention to the Lake contract. I said that is something that ought to be gone into, the contract for the Lake boat. I don't know whether Mr. Broussard heard that or not.

Q. That was at Shoemaker's?—A. Yes, sir.

Q. You don't know whether Mr. Broussard heard that or not?—A. No; I could not say, because I turned to Count Perreard, and a man named Fogg had joined him——

Q. Was there anybody else in Shoemaker's?—A. There was a crowd in there.

Q. In conversation with you and Mr. Broussard?—A. Yes.

Q. Who?—A. Mr. Jackson Tinker.

Q. I mean, besides those you have named.—A. That was all. It was quick; we were not there any time at all.

Q. How long were you in there?—A. I suppose three minutes would cover the time we were there.

Q. What large sums of money, if any, did you offer Mr. Broussard in that company?—A. I did not offer him anything. He paid for the drink.

Q. Did you exhibit any large sum of money?—A. I did not have any large sum to exhibit.

Q. Were you moved by anybody else to bring about that interview with Mr. Broussard?—A. Why, it was just a chance meeting. I just happened to run across him. I had no more idea of seeing him than—you can run across anyone by chance.

Q. Did you offer him any sum of money for any purpose whatever?—A. No.

Q. Were you authorized by anybody to offer him any sum of money for any purpose whatever?—A. No, sir.

Q. State, if you can, anything you said about Mr. Lilley.—A. I put up the matter that I thought that this Lake question ought to be gone into; this Lake contract.

Q. Did you mention Mr. Lilley in connection with that in any way?—A. Yes; I said that would be a good lead for an investigation.

Q. Did you mention Mr. Lilley in connection with the matter?—A. I talked about this to numerous people.

Q. Then did you mention Mr. Lilley in connection with the Lake contract?—A. Yes, sir.

Q. In what way?—A. I said I thought it could be shown that Mr. Lilley was one of the men that went to the Naval Department in February on account of the Lake people, from information that I got from newspaper men, fellows talking about this case. I did not have anything to do but talk about it for a week. I had no employment.

Q. From what newspaper men did you hear that?—A. I heard it from Mr. Fox. Mr. Fox told me that the day the Lake contract was let he recognized Mr. Lilley, seeing him in the Willard, as a strange man who had been to the Secretary of the Navy's office that day.

Q. Was Mr. Fox in the Secretary's office?—A. No, sir; he said he recognized him as the same man who came out of the Secretary's office that day, and he saw him in the Willard.

Q. He might have been going into the Secretary's office without having anything to do with the Lake contract, might he not?—A. Well, the Lake concern is a Connecticut concern, and a Connecticut Member should be at the front fighting for them, for such matters.

Q. Did he see Mr. Lilley there or know that he said anything about the Lake contract?—A. Oh, no; I do not know as to that.

Q. You had no knowledge that Mr. Lilley had anything to do with securing the contract?—A. No.

Q. Did Mr. Fox claim to have any such knowledge?—A. No, sir. He said he recognized Mr. Lilley, seeing him at the Willard, as a man that came out of the Secretary's office the day the Lake contract was let.

Q. Did he say whether he came out before or after it was let?—A. No, sir; I did not go into a discussion about this.

Q. Was there any other conversation concerning Mr. Lilley at this meeting at Shoemaker's?—A. No; I do not recall it.

Q. You said something that was not fit to print?—A. Oh, well——

Q. Was that at that time or some other time?—A. It was at that time. I may have called him something, but I would like to explain to the committee that I have known Mr. Lilley for four years, and in this thing, when he charged I was in the employ of this company, I knew I had done no wrong, but I was a little worked up over the fact that Mr. Lilley had made this charge, and when this resolution went in, I went out and got a copy of it and I sent it out on the wire. The next morning I went to Mr. Lilley and——

Q. You mean to your press association?—A. Yes. The next morning I went to Mr. Lilley and I said, "Governor,"—we used to call him governor then—I said, "Governor, what is new in the investigation this morning?" and I asked him when he was going to the Rules Committee, and he said he would go when he got ready. I said, "You know you have got to get after the Rules Committee, and after

every one of them, or they won't take action. You are not the only one there with a matter pending, and a man who has anything pending has got to get after it." I said, "Why do not you have a sweeping investigation and bring in the Lake people and the Berger people and investigate all of them?"

And he said he was willing to do that, and I called his attention to a morning publication that indicated that he was a Connecticut man, and operated on behalf of the Lake people, and he said, "That is not so." I said, "I will quote you as denying that." He said, "You can," but I wrote very little. Then the next morning I saw Mr. Lilley; it was Friday morning, I think—no, it was Saturday morning—I saw Mr. Lilley and asked him had he been to the Rules Committee, and he says, "Angus, you are in the employ of the Electric Boat Company." I said, "I wish I was," and he seemed good-natured about it. He did not say it was a serious charge, and he accompanied me into the lobby, and he told me he was going to prove this thing and bring all of them in and put it right through.

Q. What did he mean by bringing all of them in?—A. He was going to bring in the Lake people and the Berger people—those are the three companies. To be frank with the committee, I was working for the investigation myself; I wanted it for news. I was rooting for it. I was hounding him all the time to get him to go to the Rules Committee.

Q. You did not care who was hit?—A. It did not make any difference to me who was hit.

Q. Until it hit you?—A. It made a difference then, but even after I was hit I wanted to see an investigation. All that time he had been telling me stuff that went on in the committee, but I did not use that. On Saturday when I was waiting for Wooley to go to Alexandria, I was in the file clerk's office, and Mr. Lilley showed a notebook in which he had my name down as a man he had been warned against, and a man who was in the employ of people he had been attacking, yet all the time he had been calling me "Angus," and telling me stuff that had it been printed I would have been in bad shape. Somebody would have been called a liar, and it would have been me. That is the way those stories all get out.

Q. You did not print all the things he told you?—A. No, sir.

Q. Have you now given all the conversations that you remember?—A. To the best of my knowledge, I have.

Q. Except that part——A. I might have used some uncomplimentary language toward Mr. Lilley. It would be only natural.

Q. Were there any others present who joined with you in those sentiments or the expression of them?—A. I think if anything was said on the Lilley case I was the only talker. There was not time enough for anybody else to talk.

Q. And you filled the time pretty full?—A. No; there was not much time to fill; because my friends and Mr. Broussard were as close as they could be, because I spoke to a doctor friend of mine, and introduced him to another doctor, and he knew Tinker, and then this Count Perreard came up with a man named Fogg, and then they started to talk, and three minutes was good time that we were in there.

Q. I am asked by Mr. Lilley to ask you this question: "Did you not, the night that you were at Shoomaker's, intimate to others that you were in the employ of the Electric Boat Company, that it was

easy money, and beat the newspaper business, and suggest to the others there that they come in, the water was fine?"—A. I don't know. I make so many fool and reckless statements at times I may have said that, but it was not true if I did say so. I have a habit of saying lots of things that I think are humorous, but I have found out since this thing happened that they are not as funny as you then think they are.

Q. Do you say you did or did not say that?—A. I could not say. I have said so many things I might have said that, but if I did say it it is absolutely false. I would have to call myself a liar.

Q. A humorous liar. Were you, or were you not, in the employ of the Electric Boat Company at that time?—A. I never have been in the employ of the Electric Boat Company. What I did for Mr. McNeir was last summer, and it was not any regular employment. You would not call it employment.

Q. At the time of this Shoomaker interview were you under the employ of the Electric Boat Company?—A. I was under no one's employ.

Q. Or Mr. McNeir?—A. No, sir.

Q. Did you desire from anything you said that people should understand that you were?—A. No, sir.

Q. What did you mean by saying it beats the newspaper business?—A. Well, I do not say I said it.

Q. If you did say it.—A. I do not think it does beat the newspaper business.

Q. Had you at that time stated before the newspaper committee the amount you had received from Mr. McNeir or the boat company?—A. Yes, sir.

Q. Do you or do you not wish us to understand if you said it that you were speaking in a Pickwickian sense?—A. If I said that, I said it to be funny.

Q. Who was it that said that you got Mr. Broussard drunk?—A. Mr. Norcross, of the New York American, told me about that first; said Mr. Lilley had come in to ask him about the story. This was Monday evening, and about the truth of the story that he was giving his authority for, that I had a pocketful of money and that I was fixing the committee and buying drinks in Shoemaker's to get Broussard drunk——

Q. Did he say that Mr. Lilley told him that?—A. Yes; that is where I got it from. He said he told Mr. Lilley all he knew about it was what Wooley told him.

Mr. STEVENS. Mr. Chairman, I think it is about as far as an examination of this kind ought to go. It is shameful and disgusting and unnecessary.

The CHAIRMAN. I will ask Mr. Lilley if he has any further questions.

Mr. OLMSTED. I want to ask Mr. Erly one question: If you have received from the Electric Boat Company or McNeir any more than the amount of money you have stated?

The WITNESS. From the Electric boat money?

Q. Yes.—A. That is all, $36. I have had to look the matter up in his books. That is how I found out the amount. We had to go through his expense ledger.

Mr. OLMSTED. That is all, Mr. Erly.

The CHAIRMAN. Does any other member of the committee wish to ask Mr. Erly any questions? Is any Member of the House present who wishes to ask Mr. Erly any questions? If not, the witness will be excused

(Witness excused.)

SELECT COMMITTEE UNDER H. RES. 288.
HOUSE OF REPRESENTATIVES,
Washington, D. C., Wednesday, April 8, 1908.

The committee met at 2.30 o'clock p. m.

All the members of the committee were present except Mr. Olmsted.

The CHAIRMAN. I have just heard from Mr. Olmsted by telephone that his little girl is just passing through the crisis of pneumonia and had a very bad night. He is not able to leave and may not be for several days, even if the case takes an immediate turn for the better. For that reason, and owing to the preparation for other evidence on the part of the committee in its proper order, the committee will take a recess until next Tuesday morning, at 11 o'clock.

(Thereupon the committee adjourned until Tuesday, April 14, 1908, at 11 o'clock a. m.)

SELECT COMMITTEE UNDER HOUSE RESOLUTION 288,
HOUSE OF REPRESENTATIVES,
Washington, D. C., April 14, 1908.

The committee met at 11.30 o'clock a. m.

All members of the committee were present except Mr. Broussard.

The CHAIRMAN. Senator Thurston, will you take the stand?

TESTIMONY OF SENATOR J. M. THURSTON.

Senator J. M. THURSTON, being first duly sworn, on being examined testified as follows:

The CHAIRMAN. Mr. Olmsted will please conduct the examination.

By Mr. OLMSTED:

Q. Senator, you reside in Washington at present?—A. I do.

Q. You were formerly a member of the United States Senate from Nebraska?—A. I served one term of six years in the Senate.

Q. Senator, I show you a letter dated June 29, 1907, and addressed to the Secretary of the Navy, and purporting to be signed by yourself, and ask you if that is your letter?—A. That is my letter.

Q. Would you let us have the letter from Mr. J. C. Lake therein referred to?—A. I will look for it. I do not believe there was any letter, but that is simply a matter of recollection. If I do, I will present it to the committee. I have no present recollection as to whether that came to me by letter or verbally. I was, however, advised—I think I had been away at this date, or before this date, and on my return I was advised that the Secretary of the Navy had decided to refer that matter to the Attorney-General, which was very agreeable to me, and I followed that with a letter to the Attorney-General asking permission to file a brief, which I filed. I had no

personal interview with anyone in the Department, but I filed a brief in that matter. (Letter referred to reads as follows:)

WASHINGTON, D. C., *June 29, 1907.*

Hon. VICTOR C. METCALF,
Secretary of the Navy, Washington, D. C.

SIR: I am advised by Mr. J. C. Lake, vice-president of the Lake Torpedo Boat Company, that you would refer so much of the law approved March 2, 1907, as relates to the purchase of submarine boats to the Attorney-General for his opinion. I have to request that you will refer the matter to the Attorney-General, and beg to thank you for your consideration.

Very truly, yours,

JOHN M. THURSTON,
Attorney for the Lake Torpedo Boat Company.

Q. State if you know, Senator, how or from whom Mr. J. C. Lake received information that the question would be referred to the Attorney-General.—A. I do not know. I presume you have all my correspondence with the Secretary of the Navy, and it would be my best recollection that I asked the Secretary in writing to refer that question to the Attorney-General, but perhaps not. I either asked him in writing or I asked him personally.

Q. You do not quite understand my question. It seems that it was Mr. Lake who advised you that the Secretary had concluded to refer the matter to the Attorney-General, presumably in accordance with your request, as you have stated, and we wish to know how Mr. Lake ascertained that the Secretary of the Navy had concluded to so refer it.—A. I do not know if he informed me in writing. The letter may or may not show how he knew it.

Q. Your letter says, "I am advised by Mr. J. C. Lake."—A. That statement is undoubtedly correct. I had been away. I had been out of the city, and on my return I was advised by Mr. Lake either in writing or verbally; I can not tell until I look at my letter files.

Q. If it had been verbally, would you not have been more likely to say, "I have been told by Mr. J. C. Lake," or "Mr. J. C. Lake tells me?"—A. Oh, no; I think that would be my ordinary phraseology.

Q. Either way?—A. Either way.

Q. You will look in your file and if you find such a letter let us have it?—A. I will.

Q. Do you recall whether Mr. Lake had at any time any verbal conversations with you in which he told you how or from whom he received the information that the matter would be referred to the Attorney-General?—A. I have no recollection on that subject. There was nothing to impress it on my mind except the mere fact that the question would be referred to the Attorney-General.

Q. As I understand it, you had asked the Secretary of the Navy to refer it?—A. I had asked him either in writing or in person; I do not recall now.

Q. When you were away from home your first intimation that he had concluded so to refer it was derived from Mr. J. C. Lake?—A. It would seem so from that letter, and I have no doubt that is correct.

Q. What we wish to know is how and from whom Mr. Lake got the information.—A. Mr. Neff has just spoken to me, and what he said to me quickened my recollection. I think it is probably true that Mr. Lake during my absence saw the Secretary of the Navy and brought me the information that the Secretary would refer this mat-

ter to the Attorney-General. I am not positive about that, but I am inclined to think that is correct.

Q. You will, as you stated, if you find the letter, let us have it?—A. If there was a letter on the subject from Mr. Lake it will be in my files and I will produce it.

Q. Now, Senator, you have appeared before the committee as attorney for the Lake Boat Company?—A. I have.

Q. And we do not wish to make you both witness and counsel any more than is necessary.—A. Mr. Chairman, there are two statements I would like to make while I am on the witness stand for the enlightenment of the committee. I have received the impression—it is no more than an impression—that there is a feeling that the Lake Torpedo Boat Company in some manner instigated this investigation. I want to say, on my part, and I am certain it is true of all the officers of the Lake company, because I would have known if it would have been otherwise, that I did not know or have any information that a resolution of this kind was to be introduced. If I had, I should have done whatever I could to, I think, discourage it, because I would have felt that a resolution of this kind might endanger the appropriations by Congress for submarines. And while I felt and still believe that the particular form of the bill as reported by the committee deprives the Lake company of any participation in its efforts to secure any of the appropriation, I did believe and still believe in the wisdom of Congress that we might be permitted to have a chance to compete for any appropriations made.

The second statement I wish to make while I am on the witness stand is this: I endeavored to secure a hearing before the Naval Committee for Mr. Simon Lake and myself to present the one simple question of the committee framing the appropriation, that it would leave competition free and open for all persons in competing for submarine boats. I went to see Mr. Foss, chairman of the committee, and I will say right here, in view of some of the questions propounded to different witnesses, I know of no reason why a man representing an interest that is pending in Congress can not go to any Member of Congress, a member of the committee, or otherwise, and in a fair and decent manner suggest his views on the questions that are pending, and I have never known that that presentation of the question to individual Members of Congress has in any manner tended to influence the Member of Congress of the United States, except as his best judgment might direct. I therefore went to Mr. Foss, the chairman of the committee, and asked him for an opportunity to be heard by Mr. Simon Lake and myself before the full committee, or a subcommittee, on the question of open legislation that would enable us to compete in bids with any other company. Mr. Foss stated to me what I know generally to be true, that it was inexpedient for his people to give hearings on pending matters except in some unusual case, and I could understand how that necessarily would be true. After that I addressed the chairman of that committee a communication asking for a hearing on this one question. Not for the purpose of asking any particular appropriation, but for the purpose of having a hearing to the end that we might present our views in favor of leaving the entire matter of contract for submarines to the discretion of the Secretary of the Navy. I think I have that communication here, if the commit-

tee wishes to see it, but it does not matter especially; that is the substance of it.

The CHAIRMAN. If that is there, will you read it?

A. This is it, Mr. Chairman. It is dated February 6, 1908:

FEBRUARY 6, 1908.

COMMITTEE ON NAVAL AFFAIRS OF THE HOUSE OF REPRESENTATIVES.

GENTLEMEN: On behalf of the Lake Torpedo Boat Company I respectfully ask for a brief hearing before your committee for Mr. Simon Lake, president of the said company and inventor and designor of the Lake type of submarines, and for myself as attorney for said company, with a view of presenting to your committee in a concise and brief way the reasons why any legislation making appropriation for the purchase or construction of submarines should be so framed as to give the Secretary of the Navy full discretion in the awarding of contracts for such boats as the Navy Department may be satisfied are best adapted for naval purposes and coast defense.

We believe it is for the best interests of the United States to have the keenest possible competition between the American submarine builders in order to secure the latest, most modern, most powerful, and best submarines. Any legislation which practically prevents such competition enables one company alone to successfully bid for submarine construction and will prevent this Government from obtaining submarines representing the best inventive and constructive genius of our people.

Several foreign nations have already progressed much further and have secured and are securing submarines of greater efficiency than any thus far owned by the United States, these foreign governments having availed themselves of the benefits arising from the broadest possible competition.

In the last naval appropriation bill as formed by your honorable committee and passed by the House full discretion was vested in the Secretary of the Navy, and the Lake company was entirely satisfied to leave to the Navy Department and its skilled officers full discretionary power of awarding contracts, taking into consideration bids, plans, specifications, and all such other considerations as would enable the Department to best determine what boats the United States should have. The Senate committee in the very last days of the session amended your bill by inserting a provision which partially, and it was claimed wholly, shut out the competition or chances of all companies but one, by providing that the Secretary should not expend any portion of the appropriation for any boat which should not, as determined by preliminary tests, equal the best submarine in the service of or contracted for by the United States on March 2, 1907. It must have been well known that the Lake company only had in the United States at that time one submarine boat, the *Lake*, which was of older design, smaller in size, and necessarily less speedy and powerful than those certain submarines which had then been contracted for and were being constructed for the United States by the Electric Boat Company.

The question of the construction of this law was referred by the Secretary of the Navy to the Attorney-General, and I presented to him a brief on the subject, a printed copy of which I herewith present. This was followed by his decision construing the law, a printed copy of which I also herewith present.

While his opinion fully sustained my contention, and affirmed the power of the Secretary of the Navy to exercise his discretion in determining, not alone from the preliminary test, but from any other source at his command, what boats he might contract for, yet it is evident that the awarding of the contract for seven boats, absorbing the greater part of the appropriation, was made almost, if not wholly, upon the result of the competitive test between the *Lake* and the *Octopus*, which competitive test was, from the necessity of the case, a simple finding that the *Octupus*, being the best boat under contract by the Government on March 2, 1907, was equal to herself. And it is evident that the Secretary of the Navy, under the terms of the law, did not feel free to give consideration to the plans and specifications as well as guaranties of the Lake company under their bids for the construction of more modern and more powerful boats than any previously contracted for by the United States.

He so far exercised his discretion as to withhold a portion of the appropriation, and has since awarded a contract to the Lake company to construct a submarine which will be speedier, more powerful, more modern, and of more formidable armament than any of the boats covered by the contracts awarded to the Electric Boat Company. The Lake company has been compelled to

accept this contract at its own risk, to construct this submarine without receiving any advance or partial payments, giving the United States the right to refuse acceptance of the boat when completed unless she then meets in every way the extreme guaranties of the Lake company, the severe requirements of the tests prescribed, as demanded by the Government.

This shows the absolute good faith of the Lake company in its endeavor to compete with its rival American constructor and to furnish to the United States a better boat than any covered by the contracts given to the Electric Boat Company. To a certain extent this gives life to competition and places the United States in the position of securing the best possible submarines through the rivalry of competing companies, and it does not limit its future submarines to those designed and built by a single American company under no stress of competition.

I also respectfully submit a copy of an argument presented by me to the Secretary of the Navy, in which I set forth, as I believe fully and fairly, the tests of the naval board with respect to the result of the tests between the *Lake* and the *Octopus*. This analysis fairly presents the only difference in which either boat in the tests outclassed its rival, and has not been challenged or questioned so far by the Secretary or the naval experts of his Department; and I respectfully suggest that a careful consideration of my comparative analysis and also of the report of the naval board, which is at the command of your committee, will fully bear me out in insisting that the Lake boat surpassed the *Octopus* in several important particulars, and only fell short in one essential particular, which was in the matter of power and speed. I also submit that, considering the size of the *Lake* and date of construction as compared with the *Octopus*, and the necessarily greater power of a larger boat as against a smaller one, especially in the matter of speed, that the test itself demonstrated beyond all contradiction the fact that a boat similar to the *Lake* of the size and motive power of the *Octopus* must have been found superior, and, as your committee is well aware, the question of speed and power depends entirely upon two things: First, the relative size of the boats, and, second, the increased motive power which can be placed in the larger one.

No fair trial tests in advance of the award of contracts can ever be had in the United States until at least two companies have had an opportunity to construct and present the best and most powerful submarines they can produce, and under an appropriation similar to the last one, no competing company will have an opportunity to construct or the United States to secure a boat which will represent its latest and most improved designs and its experience in construction and operation gained by its construction of submarines for other nations.

I submit that the United States to-day is the only Government which is not seeking the widest possible competition, from which alone can come to it the best results of inventive genius and experience.

The Lake Torpedo Boat Company, I believe, can satisfy your committee upon a hearing that it can successfully compete with any rival, and that it can produce, if given equal opportunity, a more formidable submarine than any yet contracted for with the Electric company. The Lake company is entirely willing to take its chances in competing for the construction of submarines upon the exercise of the fullest discretion of the Secretary of the Navy and the naval experts in determining as to whether or not its proposed submarines best meet the requirements of the American service.

To do this, any appropriation should not be subject to restrictive limitations, and certainly the future interests of the Navy are secure if they rest upon the judgment of the Navy Department and its experts, unlimited by any provision of law which, whatever its apparent purpose may be, is necessarily a legislative award of submarines of a single class and to a single company.

If it is to be required that any appropriation made shall not be expended in whole or in part until the submarines contracted for meet the requirements of the Department in competitive or other tests, this limitation of the expenditure of the appropriation should be the withholding of a payment on the contract price of a submarine until constructed, tested, and accepted; and if this requirement is to be made of all competitors, it will be cheerfully accepted by the Lake company.

On the other hand, if one competitor is to be placed by legislative enactment in a position to take no risk and to be paid almost the entire contract price in

partial payments before the boat is constructed or tested, then the same opportunity should be given to the Lake company.

If the requirement is to be made, as has been suggested, that all boats built under the appropriation shall equal the best boat contracted for by the Government prior to January 1, 1908, then in all justice and fairness the requirement should be that any such boat should meet the competitive test and prove herself equal to the best boat contracted for or under construction for the United States Government on the 10th day of February, 1908, so that the final test should be not alone with the boats contracted for by the Electric company, but also with the one now under construction for the Government by the Lake company.

Mr. Simon Lake has had almost a world-wide experience in designing and constructing submarines in other countries, and it seems to me that your committee, in making appropriation and framing the legislation therefor, should have the benefit of such advice and information he stands ready to give to you upon a hearing; and I can not conceive that it would be wise for you to take final action without having before you a more perfect knowledge of what is being done in submarine matters by other governments.

For these reasons, and others which we are prepared to present, we ask for a fair field and no favor—the same opportunity, if necessary, at our own risk, to compete for the construction of submarines. I once more respectfully request that an opportunity may be given us to be heard.

Respectfully,

JOHN M. THURSTON,
Attorney for the Lake Torpedo Boat Company.

I received no answer to that and then conferred with Mr. Simon Lake. I told him that I saw no reason in the world why he should not send to the individual Members of the Senate and the House any arguments or any articles that would tend to enlighten the individual Members upon this question of submarines; that the matter would undoubtedly come to issue upon the floor of both Houses, and any information that was sent in that way to all the Members of both Houses of Congress I thought would be sent in a perfectly proper and legitimate manner; that during my service in the Senate I had received hundreds and thousands of communications of that kind on different matters pending before Congress, and I think perhaps I told him that anything that would enlighten the Congress of the United States upon public questions would be for the public good. He asked me if a series of postal cards, showing the development in submarines would be proper to send to the Members of Congress. I told him I saw no reason why it would not, stating, however, to him that anything he said ought to present fairly the questions submitted.

I made this statement because of the testimony the other day about sending these postal cards. What there was on those postal cards, what the writing was, or what it was to be, I do not know, but I advised him that information of that kind I thought was perfectly proper to send to the whole membership of both Houses, provided, of course, that whatever was stated would be a fair presentation or a fair argument of the question pending.

Q. When was it that you advised him, Senator?—A. Well, it was some time after that letter of mine addressed to the committee when I realized that we were not to have a hearing.

Q. Did you apply to any other member of the committee than to Mr. Foss?—A. Oh, no; I applied only to the chairman, thinking that the proper course to take.

Q. You did not advise him, Senator, did you, that the postal cards should be sent anonymously?—A. Oh, no; that question was not considered at all.

Q. Or that they should be mailed from New York instead of Bridgeport?—A. Oh, no; there was nothing stated, as I have said.

Q. Do you see anything improper in submarine-boat companies securing the publication of newspaper or magazine articles lauding its wares and rather decrying those of the other companies?—A. I do not; and I do not see any impropriety in sending those to a Member of Congress, and I think a Member of Congress would be a very improper member of the Government if arguments of that kind unduly affected him.

Q. Then if you would not consider it improper on the part of one torpedo-boat company, would you consider it improper on the part of another torpedo-boat company?—A. Certainly not. And another thing, I do not consider it improper, Mr. Chairman—there was some examination here about talking to Members of Congress. I do not consider that there is the slightest impropriety in any man who has an interest depending upon Congressional action seeing Members of Congress personally and presenting his views to them. I think it would be a reflection upon the character and standing of any Member of Congress to think that he would be unduly influenced by such action.

Q. What would you think of the propriety of a representative of a torpedo-boat company or any other concern desiring legislation in inviting Congressmen to take dinners with him?—A. Well, I have never considered it possible that a dinner would unduly influence a Member of Congress. I do not think it ever influenced my action, and I have taken a good many dinners with different people while I was in Congress.

Q. You understand, Senator, we had no thought of asking you anything but the questions about the one letter. That is all that the committee wanted to ask you. The other was led on by your voluntary statements.—A. I just made those statements in order to relieve what seems to be two questions before this committee.

Q. You stated, Senator, that you did not know that any resolution of this kind was to be offered?—A. Of any kind.

Q. Did you hear Mr. Lilley's testimony?—A. No, I did not; but I think I read it.

Q. What he there stated as to conversations with yourself?—A. Yes; that was after the resolution had been presented. I had no talk with Mr. Lilley about this matter prior to the introduction of the resolution, and I am certain that if any officer of the Lake Torpedo Boat Company had I would have known it, because they were relying upon me as their attorney.

Q. The testimony given by Mr. Lilley concerning consultations with yourself was substantially correct, then?—A. I think so, except as to one matter. I think Mr. Lilley stated in his testimony that I told him that ex-Senator Butler, of North Carolina, drafted the provisions in the Congressional act of March 2, 1907, which was proposed in the Senate. I do not think I made that statement.

Q. With reference to Mr. Butler?—A. With reference to Mr. Butler. I may have inadvertently made it, but I certainly did not intend to, because I had no purpose; I never have any purpose of making any statement of any information that comes to me even in a conversational way with another attorney.

Q. Were these suggestions which you made to Mr. Lilley, as he has testified, all or any of them, embodied in the questions which he has subsequently submitted to this committee?—A. If the committee de-

sires it, I can state fully as to all of my connections with Mr. Lilley after the introduction of the resolution.

Q. I am asking now particularly with reference to the suggestions and the questions submitted to the committee to be submitted to the witnesses.—A. I have read over the questions that were propounded at the instance of Mr. Lilley and can only state this: I did suggest to Mr. Lilley in the barest outline a line of examination to be propounded to certain witnesses, but I did not prepare that line of questioning of those questions which he propounded to the committee.

Q. When was it that you suggested to him the outline of the questions to be submitted, or did that occur from time to time?—A. After the resolution of the investigation had been introduced, I think, Mr. Neff said to me, or asked me, perhaps, I do not know that he put it in any other way—asked me if I would like to see Mr. Lilley, and I said if Mr. Lilley would like to see me I would be very glad to see him. This matter is now in the shape where it may very seriously affect the interests of my company, and Mr. Neff subsequently told me that Mr. Lilley would like to see me. I went to see Mr. Lilley at the Willard Hotel. Mr. Lilley seemed to be very much at sea as to what he ought to do. I told him the first thing he ought to do in this position in which he was placed before the House was to get the very best attorney he could, and I suggested some home attorney from Connecticut. Mr. Lilley, I do not know exactly how it came about, but he made the suggestion as to whether or not I could aid him in that capacity. I told him I knew of no real professional reason why I could not, but being the attorney of the Lake Torpedo Boat Company, I would not care to accept employment at his hands, but that my company being vitally interested, and naturally so, in the result of this investigation, simply for the purpose of discovering the truth if there was any truth in the charges made, that any assistance I could give him that was not incompatible with my relations to my own company I would be very glad to give it. On that Mr. Lilley secured from Connecticut two attorneys in whom he seemed to have confidence. They came down here, and they asked me to meet them. I met them, and I made several suggestions along the line of Mr. Lilley's prosecution of the investigation. I think those, generally speaking, were adopted by the attorneys.

Q. That was before any of the hearings by this committee?—A. That was before any hearing—let me see.

Q. At all events before Mr. Lilley took the witness stand?—A. Yes; why—I think so.

Q. That is according to his statement?—A. I think that is true.

Q. Has Mr. Lilley consulted you since that time?—A. Yes; on two or three different occasions.

Q. Can you state when and where?—A. I think on one other question at the Willard Hotel; I think he called on me twice at my apartment at the Wyoming in this city, in the evening.

Q. Do you remember when?—A. Oh, I can not pretend to remember the date. It was during the progress of this investigation, and as an attorney, although not employed by him, I advised him the best I could, he not being an attorney, as to his procedure.

Q. Did you give him advice at those times as to the questions to be propounded the witnesses at these hearings?—A. Only as I have stated. I gave him a little outline in the briefest possible way of the

line of questioning to be propounded to the witnesses, but nothing further than that. I did not undertake to draft a long series of questions for Mr. Lilley. The questions I have noticed in the record that were propounded—the long list of questions—were not in any way drafted by me.

Q. Do you know by whom they were drafted?—A. I do not.

Q. Were they submitted to you before they were submitted to us, any of them?—A. I have no recollection that any of those questions were submitted to me, although there may have been on one occasion a few questions, typewritten, submitted to me. My recollection is not definite on that; I am giving it to you the best I can. I think perhaps on one occasion a short list of questions was presented to me.

Q. Do you remember to what witnesses they related?—A. No, I do not.

Q. By whom were they submitted?—A. I think by Mr. Lilley; yes, I know if they were at all they were by Mr. Lilley.

Q. Alone, or was anyone else with him or present at the interview?—A. I am not sure about that. Mr. Neff may have been present. I am inclined to think he was, if they were submitted to me. My recollection upon that point is not definite. I think perhaps no list of questions was presented to me.

Q. You have already stated that you declined to be retained by Mr. Lilley?—A. I did.

Q. I do not know that you said that he offered you a retainer, but he spoke to you about retaining you?—A. There was no offer of retainer. The mere suggestion came up—I advised him to get counsel—the mere suggestion came up as to whether or not I could represent him before this committee.

Q. I think that is all. We intended to ask you merely one question about the letter.

Mr. LILLEY. May I submit three or four questions?

The CHAIRMAN. Certainly.

The WITNESS. Mr. Chairman, on this matter of the propriety of any man interested in legislation in Congress seeing Members or drafting bills or asking an introduction, or that sort of thing, I would like to submit here the opinion of the Court of Appeals (40 N. Y. Report, pp. 382 and 387). I think it is a splendid enunciation of the law upon that subject. It has been handed to me.

The CHAIRMAN. That will be inserted in the record.

It must be the right of every citizen who is interested in any proposed legislation to employ an agent for compensation payable to him, to draft his bill and explain it to any committee, or to any member of a committee, or of the legislature, fairly and openly, and ask to have it introduced; and contracts which do not provide for more, and services which do not go further, in our judgment, violate no principle of law or rule of public policy. (Earl, J., in Chesebrough *v.* Conover, 140 N. Y., 382, 387.)

Q. It has been charged here, at least Mr. Lilley has charged to this effect, that the legislation of 1907 was conclusive, by which we understand him to mean that it permitted contracts to be made only to the Electric Boat Company. As a matter of fact, the law has been held otherwise by the Attorney-General of the United States, has it not?—A. The amendment that was reported by the Senate committee on that bill was absolutely conclusive. As reported to the Senate, the amendment reported by the committee provided that no part of

this appropriation was to be expended for any boat that does not in such tests prove to be equal in all respects, in the judgment of the Secretary of the Navy, to the best boat owned by the United States or under contract therefor. Those words, "in all respects," were stricken out in the Senate. If they had remained in the bill, the provision was absolutely exclusive, because it was a matter known of all men that there was only one boat in the American waters to compete, and that that boat was necessarily less in speed than the new boats about completed for the Government.

Q. Those words did not remain in the bill?—A. No.

Q. The act of 1907, appropriating for submarines, was it, or was it not, exclusive?—A. Well, I took the contrary position in my argument to the Attorney-General. I understood that ex-Attorney-General Olney insisted that it was, and the attorneys of the Electric Boat Company, in their argument presented to the Attorney-General, insisted that it was, but I discover by the opinion of the Attorney-General that on that one subject I knew what the law was.

Q. And that it was not exclusive?—A. And that it was not exclusive.

Q. And the Electric Boat Company did secure a contract? Each company secured one or more contracts?—A. Our company secured a contract, but not on the same terms or conditions of the other companies.

Q. The terms and conditions are a little too technical for us, and I simply want to know whether the law was or was not held to be exclusive.—A. The Attorney-General and myself decided that it was not.

Q. You had pretty good luck with the Navy Department and the Attorney-General's Department that year?—A. No; I had pretty good luck with the Attorney-General. The other people had all the luck with the Secretary of the Navy.

Q. You were able at least to have it referred to the Attorney-General?—A. Oh, yes. I remember asking for that very strenuously. I was wanting that in an interview with the Secretary of the Navy.

Q. And after he had given his opinion, did not the Electric Boat Company still urge that they were entitled to have all the contracts?—A. No. You undoubtedly have before you or in your possession my letter upon that subject to the Secretary of the Navy, or possibly it was my argument presented to him later, and which was taken by his stenographer and reduced to writing, and made a part of the files of the Department. Whichever it was, I insisted with all the force possible that the best thing he could do would be to divide the boats equally between the two companies, and I made no other——

Q. I am not referring to your argument, but the Electric Boat Company's attorneys insisted on them having the whole of it?—A. They have always insisted on having the whole thing.

Q. Notwithstanding their insistence and their argument, you did get one contract from the Navy Department?—A. They got seven on the basis of partial payments, as the work went on, and we got one on the basis that we should not have a cent until we had completed the boat and performed all the tests and met all our guaranties.

Q. You prevailed upon the Naval Department to that extent?—A. We were mighty glad to get that one little chance to get in.

Q. And having secured that you thought you would have a pretty good chance if the law were left open this year, as you suggested?—A. We had hopes.

Q. How long have you been counsel for the Lake Boat Company?—A. My best recollection is that it was after the last Congressional campaign. The reason I know, I made three or four speeches in Connecticut, and I met Congressman Lilley there for the first time, and it was after that that my employment began.

Q. Were you at any time spoken to or consulted with reference to the introduction of any resolution in this Congress?—A. No.

Q. By anybody?—A. No. I was consulted about the introduction of a bill calling for an appropriation for submarines. I think I drafted one which was introduced, which simply provided for a $2,000,000 appropriation to be expended in the discretion of the Secretary of the Navy.

Q. Who introduced the bill?—A. I do not remember, I think it was Mr. Sperry.

Q. That was a separate bill and not a provision to go in the naval appropriation bill?—A. No; it was a separate bill.

The CHAIRMAN. Are there any other questions but these, Mr. Lilley?

Mr. LILLEY. No.

Q. There is one question I would like to ask, and that is whether you have been counsel for the Electric Boat Company at any time since the election of the Fiftieth Congress?—A. No.

Q. Then any relation you may have had to that company would have referred, if to any Congress, to some previous Congress?—A. It antedated this Congress.

The CHAIRMAN. We will call Mr. Simon Lake.

TESTIMONY OF SIMON LAKE.

SIMON LAKE being first duly sworn, on being examined testified as follows:

The CHAIRMAN. Mr. Olmsted will examine the witness.

By Mr. OLMSTED.

Q. You are a resident of Bridgeport?—A. Well, I am hoping to be. I have been living abroad for the past two or three years.

Q. When did you return?—A. I arrived just a day or two previous to Christmas. I came over on the *Mauretania;* I think she sailed on the 4th of December. She was about a five-day boat.

Q. From what point?—A. From Liverpool.

Q. How long had you been abroad?—A. I had been abroad that trip since last spring.

Q. The spring of 1907?—A. The spring of 1907.

Q. What official relation, if any, do you sustain to the Lake Torpedo Boat Company?—A. I am president.

Q. You have been for some little time in pretty hot rivalry or competition with the Electric Boat Company?—A. About fifteen years, I think.

Q. I would like to ask you, assuming that in that competition you must have seen a good deal of the other boat company, whether you have any personal knowledge of any improper expenditures of any

moneys by that company with reference to securing Congressional legislation?—A. No, sir; I have not.

Q. State whether you have knowledge of any expenditure by the Electric Boat Company or its officers for the purpose of electing any particular officer of Congress.—A. No, sir; I have not.

Q. Or the defeating of any Member of Congress or candidate for Congress?—A. No, sir; I have not.

Q. Have you any knowledge of any such expenditure of money or any attempt at electing or defeating any particular Member of Congress by any of the officers of the Electric Boat Company?—A. No, sir.

Q. Have you any knowledge of any attempt by any torpedo boat company to secure the election of any person as a Member of Congress?—A. No, sir.

Q. Or to defeat any person in his attempt to secure his election to Congress?—A. No, sir.

Q. It has been charged here by Mr. Lilley, and this is his language: "That it can be shown upon investigation that certain representatives of the leading newspapers have been subsidized and paid by the Electric Boat Company for favorable newspaper articles and reports in favor of said company." Have you any knowledge upon that point?—A. No personal knowledge, only what I have read in the testimony before the committee.

Q. Have you any knowledge of such action on the part of any other torpedo boat company?—A. I have not.

Q. Or any activity on the part of any torpedo boat company to secure the publication of newspaper or magazine articles favorable to its boats or unfavorable to the boats of any other company?—A. I can only speak for my own company. We have always published such matter as we thought was pertinent to the subject of submarines, whereby people could be enlightened in regard to the merits of our type of boat.

Q. You have not considered it improper to state in newspaper and magazine articles the merits of your boat?—A. No, sir.

Q. Or if in any particulars the other boat was inferior, you have not hesitated to say so?—A. We have not hesitated to give the facts as we understood them as to the merits or demerits of any type of submarine.

Q. Do you know of any improper conduct on the part of the Electric Boat Company or its officers or of the Holland Boat Company or its officers in connection with either the securing of legislation by Congress or contracts from the Navy Department?—A. No, sir.

Q. Do you know Mr. Lilley?—A. Yes, sir.

Q. How long have you known him?—A. I met Mr. Lilley twice only. The first time was an introduction, and I don't remember—it was sometime after I arrived in the country this last time.

Q. And that was when?—A. I should imagine sometime in January or February this year. I am inclined to think it was in January.

Q. What was the subject of the interview at that time?—A. We had no interview at that time. It was simply an introduction in the Secretary's office. Mr. Lilley had been in to see the Secretary, and I was introduced to him when he came out.

Q. The Secretary of the Navy?—A. Yes, sir.

Q. By whom were you introduced?—A. I don't remember that. I was in the outside office. I was not in the Secretary's office at all. He came out and I was introduced to him.

Q. What was the purpose of your call at the Department?—A. We were negotiating at that time with the Navy Department in trying to secure a contract.

Q. Did you have any conversation with Mr. Lilley upon that subject?—A. I do not recall it. I do not think we had any conversation at all. I think it was merely an introduction.

Q. When did you afterwards meet him?—A. Afterwards I called on Mr. Lilley at New Haven. After I learned that this exclusive provision had passed the Naval Committee, in view of the fact that we had been for many years trying to secure a business and finally had got one contract on what we considered rather harsh conditions, in view of the development of the submarine abroad, and in view of our previous efforts here in this country to secure favorable consideration for our boats, I learned, much to my surprise, that this year's appropriation, as passed the Naval Committee, continued the exclusive legislation which has existed for so many years practically, and that we would be cut out. We had just made a contract which called on us for some further expenditure of some hundreds of thousands of dollars to show the merits of our type to the United States Government, and naturally I felt very much disappointed, and I tried to see Mr. Lilley in Washington, as he was a member of the Naval Committee. I wanted to get a confirmation. And I found that he had gone to Connecticut. I tried to reach him at Waterbury, but he was busy and I was not able to see him. He stated he would be up in New Haven the following day. I called on him and asked him if it was a fact that the Naval Committee had passed such an exclusive or made such an exclusive provision, and he admitted that it was. Well, I said, that being the case, if it passes the House and Senate, it seems to me that it would be very foolish for the Lake Boat Company to further continue efforts for recognition in the United States. That was about the substance of the conversation. I believe I asked him if he thought it would pass the House. I think he gave rather a noncommittal reply. In fact, I got very little satisfaction from him from my point of view in the conversation.

Q. What date was that interview with Mr. Lilley?—A. I do not know that I have the date. I may have, because I learned at the Hotel Willard where he was to be.

Q. From whom did you learn?—A. From Mrs. Lilley. I sent my card up a couple of times, and Mrs. Lilley told me he was going to Connecticut and told me where I would be likely to reach him.

Q. Where did you reach him?—A. I reached him eventually at New Haven.

Q. At what point in New Haven?—A. I am trying to think—the New Haven House.

Q. A hotel by that name?—A. A hotel; I am not sure. I made a memorandum at the time [referring to memorandum]. This is a memorandum made at that time. "Wallingford, Saturday night. Waterbury, until then. New Haven, Monday and Tuesday."

Q. What date?—A. It does not give any date.

Q. Can you state what date it was?—A. No, sir; I can not. My recollection of dates is very bad indeed. My facts I am pretty sure of.

Q. Was it this month of April?—A. It was, I think, immediately after the Naval Committee had acted; it was probably the Saturday following the action of the Naval Committee.

Q. After the vote of the Naval Committee on the submarine appropriation?—A. Yes, sir.

Q. How did you learn of the action of the Naval Committee?—A. Mr. Neff informed me, and I had a copy of it.

Q. Did you show it to Mr. Lilley?—A. No; I do not think Mr. Lilley was aware I had a copy.

Q. Had his resolution calling for an investigation been offered at that time or not?—A. Oh, no; no. The resolution, I think, followed quite a little time after that. I know that I felt rather disappointed at what I considered Mr. Lilley's lukewarmness to one of his constitutents, as we considered ourselves one of his constituents, and I immediately came down and made a provision to start a propaganda of my own to see if I could not educate the Members of Congress up to the point of recognizing the merits of the *Lake* type of boat.

Q. What sort of a propaganda did you institute?—A. First, we sent out a number of catalogues that I had prepared—I presume all you gentlemen have received them—called "Submarine Torpedo Boats." I think the next thing was these postal cards. That came about in this way: I was at Bridgeport, in the Algonquin Club, talking over the difficulties of getting the merits of our type of boat before people, and the Members of Congress, and the Senate, and the naval officers, and I think one of our directors, Captain Wallace, or it may have been Mr. Foster, our counsel, we were talking the matter over there, and he recited the circumstances about some kind of an exhibition, with a card—the old home, I think it was, in Bridgeport—and that one of the men there had started sending out postal cards, one after the other, to call attention of the different people that they wanted to interest in the old-home week at Bridgeport, and that day by day he sent one card out and followed it up the next day, so as to keep it continually before the mind, and I thought that it might be a good idea to adopt that method, and it occurred to me that in that way we would be able to bring to the attention of Members of Congress the fact that all important foreign governments were to-day building boats of what is generally considered the *Lake* even-keel type, the type of boats that I introduced to this Government in 1893.

Q. Why did not you sign your name or the name of your company to these cards?—A. It was not at all necessary. Anyone who reads would know it was from the Lake Torpedo Boat Company.

Q. Why was it mailed from New York instead of Bridgeport?—A. For the purpose of getting them out as quickly as possible. At that time I expected the naval bill would come up at any moment. I did not have the material with me. I knew that Mr. Skerrett in New York had it. He has been collecting material having to do with submarines I know for a great many years; in fact, I think he is collecting material with the idea of publishing a book.

Q. What material did he have?—A. I knew that he had photographs of these foreign boats, and I did not have them. I have copies of them in London, but they were not available. I knew that he had certain opinions among his data which he has been collecting for years—opinions of high foreign officers in regard to the merits of the different types of submarines—and I think I immediately went to

the phone right there in the club, if not, very shortly afterwards, at least, and called him up and gave him an outline of what I wanted him to do.

Q. Who prepared the text and printed matter that was on the postal cards?—A. I had two or three conversations with him over the phone in regard to that. I wrote out a rough draft and then read it to him, so that he would get the general idea, and I had in my mind the opinions expressed in Suter's book, etc., and I told him I wanted him to start in with the *A8*, which is very similar to the *Octopus* in this country, a type of boat which, like all the earlier diving types of boats, lacked stability to such a great extent that while running on the surface with considerable reserve buoyancy she might unexpectedly dive and drown her entire crew. To start up with that boat and follow it up by showing the fact that the British Government——

Q. Did you prepare this text or who did?—A. I simply read off to him this rough sketch, and then left it to him very largely. He used his own judgment, simply following out my general instructions.

Q. You gave him the general idea, and he prepared the text?—A. Yes, sir.

Q. What was the haste about that first postal card which lead to your telling it to him over the phone; why not write to him?—A. The naval bill. In view of the fact that they had passed the provision, I was expecting it to come up at almost any minute. I was in Bridgeport, I think; in fact, I know I was in Bridgeport, because I remember the circumstance of discussing it at the club, and I wanted him to get them out as quickly as possible and send them out to the Members. That is my recollection of it, so they would receive them before the matter would come up before Congress for voting.

Q. How long before the first one was sent was it; how long was it prior to that that you had instructed him to prepare the postal cards?—A. I think some time, because I know I was rather disappointed that he did not get them out sooner. I think the second time had been sent out, and then I heard of Mr. Lilley's resolution, and then I stopped it. I said, "Look here, that is interfering with my plans, and I think we had better haul off a while, because it will be dead matter; if they do not take any action, I think it will probably be dead matter, and the Members will forget all about it when it comes up to vote." And they were simply kept in abeyance until the naval bill was reported.

Q. You sent one out after you noticed the resolution?—A. Yes; but I did not know that he had introduced his resolution.

Q. You sent out one a couple of days after that?—A. Mr. Skerrett had instructions to send them out as rapidly as they were prepared, and I think there was one sent out after the resolution was introduced.

Q. That was sent in the evening after he had introduced his resolution in the morning.—A. I stopped it as soon as I learned of it.

Q. He says he called you up by telephone the same day and said he had mailed it. You did not stop him so soon but that he mailed another the next day?—A. I think he must have been referring to the second one.

Q. The first one was the one he was asked about particularly.—A. I think he left that matter with his secretary, or typewriter.

Q. He says that he called you up as soon as he mailed the first one and told you.—A. I don't remember whether he called me or I called him. But I know that as soon as I learned of this resolution I decided to stop the sending of the cards. If he states that he called me in regard to it, that is probably correct, because I was surprised at his remarkable memory in regard to details, which I do not claim to have.

Q. Mr. Skerrett testified that while abroad he received certain papers containing certain information from the Navy Department?—A. Yes, sir.

Q. Where did you get the papers that you forwarded to him?—A. They were sent to me. You are referring now, I presume, to these papers which he had afterwards published.

Q. The papers from the Naval Department which are considered of a secret nature?—A. Yes, sir.

Q. The Secretary of the Navy had refused to give them to Congress in response to a resolution.—A. I do not know anything about that. I say I had been abroad for the past four years. Those papers came to me. They came to me from our Bridgeport office. I am inclined to think that the party who was in charge here, Mr. Baker, sent them to me at Berlin.

Q. You were in Berlin, were you?—A. I was in Berlin, and there was nothing that I considered especially secret about them. They were not in relation to the construction of boats.

Q. Who is Mr. Baker?—A. Mr. Baker is one of our engineers.

Q. Is he still there?—A. He is in London at the present time. He is in charge of our London office.

Q. You received them in Berlin? Any letter with them?—A. Yes. I do not remember anything about it except this comment: "You will be interested in finding—in learning that Captain Taylor's experiments bear out the result of your own investigations in regard to the best form of submarine boat—that is, the safest form of submarine boat." That is, in substance, all I recollect.

Q. What did you do with them?—A. Mr. Skerritt says they came over to his office by messenger. I presume he refers to our office boy. He probably picked them up on my desk and took them over to Mr. Skerritt, who had charge of our general department where we collect all information possible in regard to submarines.

Q. Did the office boy generally pick up papers in your office and carry them to Mr. Skerritt without instructions?—A. Anything in regard to that. Anything that would apply to his particular department he would. I had entirely forgotten the circumstance until I learned that it had been published, and the result was a disagreement between Mr. Skerritt and myself in regard to the matter, and that is the thing which really led to his resignation from the company. I was very much——

Q. That was the fault of the office boy wasn't it? You ought to have discharged the office boy.—A. I did not consider it was a proper thing to publish. Not because I considered it especially secret, but I did not consider it proper for one person to publish the results of another man's scientific investigations. I considered if Captain Taylor wished to give that information to the public he was entitled to give it over his own name. It is very common for officials having to

do with experimental basins, such as Captain Taylor has, to give that information out to the scientific world.

Q. Then Mr. Skerritt's statement as to his retirement from your company being voluntary because he did not like to live abroad any longer, that is not entirely accurate?—A. Well, that I presume was partly the case. Becoming rather dissatisfied there as well, but I think we had the discussion of this matter in London, after I had returned, after learning that it had been published. I have not read the article.

Q. Did you discharge him?—A. No; I did not discharge him. I said we had rather a warm discussion in regard to the matter. I went to St. Petersburg. I received that notification in St. Petersburg that he would resign at the expiration of his year.

Q. But you are still on pretty good terms?—A. We are at the present time, but for a matter of a couple of months I think we were on rather unfriendly terms.

Q. When did you get on friendly terms again?—A. I think previous. He remained with the company some months after that. He did not leave until the expiration of his year, which was the 12th of November, I think, and I am inclined to think this state of things arose after my return from my visit to the States.

Q. He remained with you until the end of the year?—A. Yes.

Q. And you would still call on him whenever you wanted anything in his line?—A. Yes; knowing he has the data, I do not hesitate to call on him for any information I want.

Q. Where did he say these reports came from? How did they come to your office in Bridgeport from Mr. Baker?—A. I have no knowledge in regard to that. Mr. Baker was formerly in the Navy Department, and he had been there for some years, but how he got them I do not know anything about.

Q. He was in Berlin?—A. No; he was in Bridgeport. Mr. Baker was in Bridgeport at the time they had this test.

Q. Had Baker been in the Navy Department?—A. Oh, yes; for a year or two.

Q. When did he leave the Navy Department?—A. He came with us—this is only approximately now, because it is coming to the question of dates—I think he came with us perhaps some time early in 1905; it may have been 1906.

Q. Came from the Navy Department direct to your company?—A. Yes.

Q. Who employed him?—A. Mr. Peacock, our chief constructor, employed him. He had been with Mr. Peacock in the Columbian Iron Works, and I think also some other shipyards.

Q. What pay did he get from your company?—A. We paid him $3,500 a year.

Q. What were his duties?—A. He was in charge of the construction work at Newport News. Mr. Peacock went abroad to continue the construction of boats which we were building there, and he recommended that Mr. Baker take his place.

Q. What department of the Navy did he come from?—A. The Bureau of Construction, I think.

Q. Did he while in the Navy furnish your company with papers—copies of papers?—A. No; that is the only communication that I ever remember receiving from him.

Q. I mean while he was in the Navy Department?—A. Oh, no; never. I knew Mr. Baker years ago. He was at the Columbian Iron Works when I was building my first boat, the *Argonaut*, there in 1896. I knew Mr. Baker there, and I had not seen him from that time until he came down to Newport News.

Q. Did he come down to seek employment in your company?—A. No; Mr. Peacock communicated with him.

Q. Had Mr. Peacock ever been in the Navy?—A. No.

Q. Where is Mr. Peacock?—A. Mr. Peacock is in Bridgeport at the present time.

Q. What are his initials?—A. Edward L.

Q. He is still in the employ of the company?—A. Yes, sir; he is our chief constructor. Mr. Peacock was in St. Petersburg, I think, at the time these papers were received in Berlin. I doubt if he knows anything at all about it. I am mistaken about that, because I remember now that when he returned to Berlin I called his attention to these papers.

Q. Do you know what pay Mr. Baker received while he was in the Navy?—A. I do not.

Q. What are his initials?—A. Frederick, I think.

Q. Is he now at Bridgeport?—A. No; he is in London at the present time.

Q. At Bridgeport his work was——A. He was constructor in charge in this country.

Q. He was not in charge of the correspondence or the keeping of the books of the company in any way was he?—A. No.

Q. Wasn't it a little peculiar that he should forward the papers to you from the Navy Department to your company?—A. These were purely technical papers that would not go to the bookkeeping department at all.

Q. You say you received that from Mr. Baker, accompanied by a letter?—A. I am under the impression it was from Mr. Baker; I won't be sure about that.

Q. From somebody at Bridgeport?—A. Yes, sir; I think it was Mr. Baker.

Q. Now, Mr. Skerrett stated, if I am not mistaken, that they were forwarded from Bridgeport direct to him, and he received them in an envelope without any indication as to where they came from.—A. I think he was referring to some other information which he received; not to these papers which I have referred to.

Q. No; he was referring to these papers from the Navy Department.—A. My recollection of his testimony is different from that. I think he stated that he received these papers from me, that I had sent them over in the usual course, referring to Captain Taylor's papers. Perhaps we are referring to two different things.

Q. What do you mean by Captain Taylor's papers?—A. They were the papers that we had the disagreement about, showing the different models which were treated here on an experimental basis.

Q. They were the papers that the Navy Department had refused to give out?—A. I do not know that they had ever been asked for; I do not know anything about that.

Q. They were the ones, at all events, that you thought ought not to be printed?—A. On the ground that they had been Captain Taylor's own work and that if they were to be given to the public that he

should be entitled to the credit of it. There is hardly a meeting of the Society of Naval Architects but what some information of that kind is given formally to the public for the benefit of all shipbuilders, etc.

Q. And how do you suppose Mr. Baker would get those papers?—A. I haven't any idea.

Q. He being a party engaged in the construction of boats——A. I havent' any idea. I have a theory.

Q. What is your theory?—A. My theory is that Mr. Baker was employed down here in the Navy Department for I don't know how long. I believe he at one time held a commission. He was in the war, Spanish war, and held a commission; I believe he was an engineer on one of the monitors and went out to Manila. He was taken very sick there with some kind of a fever, and I simply think that perhaps he has a number of friends down here that thought he would be interested in receiving that information, because it bore out the fact——

Q. Who would be his friends, probably?—A. I have not the least idea.

Q. Who would be taking papers from the secret files of the Navy Department?—A. I have not the least idea. I do not know that they were secret. As I say, it was simply a scientific subject, and I can not see any great harm in publishing them. They were simply certain curves showing the tendency of the boat to dive by the head, etc.

Q. It was rather interesting to get onto those curves, wasn't it?—A. It was very interesting. The principal interest to me was that he had arrived at the same conclusions that I had, and the superstructure, which is one of the features of our type of boats, is the advantage.

Q. Do you mean to say that there was somebody in the Navy Department who had been supplying information in which they thought you or Mr. Baker or the Lake Boat Company would be interested?—A. As I have said, my theory is that some of his friends simply sent them to him, thinking that he would be interested in the result of these scientific experiments. That is practically what they were

Q. They knew that he was employed by the Lake Torpedo Boat Company?—A. I presume they must have.

Q. And his interest in those experiments would flow from his interest in the Lake Torpedo Boat Company?—A They were Government experiments made, I understand, on an experimental basis as provided for that purpose, the purpose of carrying on certain experiments for the benefit of shipbuilders at large.

Q. His interest in the question arose from the fact that he was building for the Lake Torpedo Boat Company?—A. Submarine boats and as we were hoping to build submarine boats for the United States Government, and it was something developed by the United States Government, I presume his friends, if such they were, thought we were as much entitled to them as anyone else.

Q. Do you know anyone else that got them?—A. I do not.

Q. Do you know who his friends are in the Navy Department?—I do not know a single friend or acquaintance of his

Q. Mr. Lake, what else is there in this propaganda to which you refer except the postal cards and the articles in the Scientific Ameri-

can and in the Harper's Weekly?—A. The article in the Harper's Weekly I do not know anything about; I have never seen it.

Q. The Scientific American?—A. The Scientific American I did not know anything about until after it was published.

Q. You were not displeased with it?—A. No; I was not. I think it is the best article that I have ever read in regard to the development of submarines in the United States.

Q. You had no unpleasantness with Mr. Skerrett about it?—A. In regard to that; no, sir. I felt after reading it that the company had perhaps made a mistake in accepting his resignation, although of course he could not have written that if he had been identified with the company. That is simply my personal feeling in the matter.

Q. What other publications were there?—A. I do not recollect any with the exception of the last day or so we have sent out a letter with a circular containing various naval acts. The letter was sent out over my signature.

Q. A printed statement?—A. A printed statement in regard to different naval acts.

Q. Who prepared the statement in regard to the naval acts?—A. That statement was prepared down here. I do not know. I sent the letter in the rough from Bridgeport down for Senator Thurston's revision.

Senator THURSTON. I can state there, Mr. Chairman, that that was taken from my brief that I presented to the Attorney-General.

Q. I have never received the statement and I have not looked at it. It is a statement of the legislation, is it?—A. Yes.

Q. Mr. Lake, your company has caused considerable information to go out to the newspapers of late, has it not?—A. Our company?

Q. Yes.—A. Since this investigation has started I have refused to be interviewed in regard to the matter. I think I may perhaps have given one very brief interview; that is all. We have not given any information to the papers. Various newspapers have been sending their representatives and I have been, I think, consistent in refusing to give information to any of them. I do not recall any at the present time.

Q. Who is sending out the postal cards now?—A. They are now being sent out from our Washington office.

Q. Who sends them out?—A. By Mr. Neff and Mr. Shultz, and we have also employed some girls from the stenographer's office to assist.

Q. Who is Mr. Shultz?—A. Mr. Shultz is my secretary.

Q. What is his full name?—A. William H.

Q. Is he employed here in Washington or simply with you while you are here?—A. No; he travels with me wherever I go.

Q. All this information that is being published particularly in Connecticut, do you know from whom that comes?—A. I do not know anything about it.

Q. Do you read the Connecticut papers?—A. I see them when I am home. I do not receive any copies of them here; local Bridgeport papers, that is all.

Q. State what attorneys—we understand Senator Thurston is your counsel here—what attorneys are employed by your company?—A. The company has no other attorney. Oh, yes; I am mistaken—I mean here in Washington—with reference to Washington. I think

Beers & Foster are our Bridgeport attorneys, simply have to do with local matters.

Q. What are their full names?—A. Carl Foster, Judge Beers; I do not know his full name.

Q. So you have no other conusel?—A. The company has no other counsel.

Q. And no other counsel in Washington?—A. No other counsel in Washington.

Q. Who has counsel, then, if the company has not?—A. I have Mr. Whitney, who was most of the time with me abroad.

Q. Mr. F. B. Whitney?—A. Mr. F. B. Whitney is, you might say, my private counsel in some other matters I am connected with, submarine engineering and mining matters.

Q. He is the Mr. Whitney mentioned by Mr. Skerritt as the one from whom he received——A. Yes, sir; Mr. Whitney received that copy from me at Bridgeport.

Q. Where did you get it?—A. I have already stated I received it from Mr. Neff.

Q. You sent it to Mr. Whitney?—A. Mr. Whitney, I think, took a copy of that in Bridgeport. I think he was in Bridgeport at the time. My recollection is not entirely clear on that.

Q. Mr. Whitney is connected with the Lake Torpedo Boat Company, isn't he?—A. No; not in any way. Mr. Whitney is the vice-president of the Lake Submarine Company, which is a commercial enterprise having to do with various submarine writing enterprises and submarine mining, and so forth.

Q. The Lake Torpedo Boat Company owns the capital stock of the Lake Submarine Company?—A. No; they are two entirely distinct companies. The stockholders have no connection in any way.

Q. I call your attention to the fact that Moody's Manual seems to imply that the Lake Torpedo Boat Company owns the capital stock or are subsidiary companies.—A. Yes; that is not the Lake Submarine; it is not one of them. The four companies referred to are the Lake Torpedo Boat Company of Russia, the Lake Torpedo Boat Company of England, the Lake Torpedo Boat Company of Germany and of Italy.

Q. Who is the president of those companies?—A. I am the president of them all.

Q. Is Mr. Whitney connected with those companies in any way?—A. No; does not own a single share of stock and is not associated or connected in any manner.

Q. Has he ever been?—A. At one time he was vice-president of the Lake Torpedo Boat Company, a couple of years ago. I think about two years ago he resigned his position.

Q. Have you any interest in the Lake Submarine Company?—A. Yes; I am the president of that.

Q. The controlling interest in that company is owned by the same people who own the controlling interest in the Lake Torpedo Boat Company?—A. The controlling interest is owned by the same people; yes.

Q. Mr. Whitney is the president of that company?—A. Mr. Whitney is the vice-president.

Q. You are the president?—A. I am the president. The business of the two companies is entirely distinct. One is purely commercial, and the other of course has to do only with Government.

Q. What do you mean by commercial?—A. The recovering of cargoes from sunken wrecks and mine enterprises of various kinds, various submarine engineering problems.

Q. You do it with boats that dive or submerge?—A. Well, that is, we control the right rather. The Lake Submarine Company controls the right to use all of my inventions relating to submarine matters in the commercial field. The Lake Torpedo Boat Company has only the right to use my inventions for Government warfare purposes. That is the distinction.

Q. The patents stand in your name?—A. The patents stand in my name.

The CHAIRMAN. The committee will take a recess until half past 2.

(Thereupon the committee took a recess until 2.30 o'clock p. m.)

AFTER RECESS.

The committee met pursuant to the taking of recess at 2.30 o'clock p. m.

All the members of the committee were present except Mr. Broussard.

TESTIMONY OF SIMON LAKE—Recalled.

By Mr. OLMSTED:

Q. Mr. Lake, in his testimony before this committee Mr. Lilley said; this is the language: "I did before that committee propose to show that money had been used to influence and subsidize the public press of the country in this matter, and I did propose to show that money had been freely used by these two companies in maintaining an expensive lobby in the city of Washington and in attempting to bring influence and pressure to bear upon members of the Naval Committee from certain Congressional districts, in order that their votes might thus be secured in favor of these companies' interests." Do you catch that long question?—A. I catch the general sense of it, I think, sir.

Q. I will show it to you. [Handing testimony to witness.] I ask you what you have to say as to that.—A. As far as we are concerned, we have never used a penny to subsidize the public press or to influence them in any way. Our only connection with the public press has been to give such information as we saw fit in regard to our business, which has been principally, in fact, entirely, abroad. We have never paid a penny to have an item inserted in the newspapers of the country. As far as maintaining a lobby is concerned, we have never had anyone here except the men regularly connected with our business, and have at the present time one man, Mr. Neff, who looks after the distribution of circulars and meets representatives of foreign governments, naval attachés, etc. We considered it advisable to maintain an office here for the purpose of being in touch with some of the representatives of the foreign governments. And we have never attempted to bring any improper influence upon any members of the Naval Committee. We try to give members of the Naval Com-

mittee, by sending them literature in regard to our boats, etc., such information as we felt it was proper for them to have, to enable them to form a proper judgment in regard to the merits of our type of boat.

Q. I will say, Mr. Lake, that I had reference to other companies than your own when I asked you the question.—A. I know nothing at all about other companies.

Q. There is one branch of the question that you did not answer, and that is " an attempt to influence and bring pressure to bear upon members of the Naval Committee in certain Congressional districts, in order that their votes might thus be secured in favor of these companies' interests."—A. Personally, I know nothing of it.

Q. As to your own company, you say nothing of the kind occurred?—A. No; we have never attempted to bring improper pressure to bear upon Members or improper influence. We have not hesitated to advocate our goods in every proper way.

Q. Have not hesitated to impress upon members of the Naval Committee, or Members of Congress the superiority of your boat?—A. Except by circulars and writing letters—what I considered an entirely proper way.

Q. And an occasional interview?—A. I have been abroad, as I say, for the last several years, and I do not think I have ever had personal interviews with Members of Congress. Several years ago I appeared before various committees, at several different times.

Q. You mentioned Mr. Whitney a little time ago?—A. Yes.

Q. You said, I think, that he is now in the employ of the Lake Submarine Company?—A. He is vice-president of the Lake Submarine Company. At the present time he is in my employ personally as personal attorney to look after, as I say, the various interests. We have various companies. We have just recently made a contract abroad on the coast of Holland and he has had charge of preparing the contract, etc., in connection with that.

Q. Is his office in Washington?—A. He has an office in Washington; yes, sir—in the Munsey Building.

Q. Has he at any time been in the employ of the Lake Torpedo Boat Company?—A. He was at one time the vice-president of the Lake Torpedo Boat Company.

Q. When did he become the vice-president?—A. That is a question of dates again now. I am inclined to think that it must have been—I can fix that, I think, somewhere near; I think it must have been sometime in 1904.

Q. And what had he been doing prior to that time?—A. Previous to that time he had been clerk to the Committee on Naval Affairs.

Q. How did you happen to select him as the vice-president of the boat company?—A. I was called abroad, and I felt it was necessary to have some one here who understood legislative matters, and he had expressed quite a little interest in the submarine boats. I occasionally went to the Committee on Naval Affairs to get information when I first came to Washington, in the interest of my boat. I had no one to represent me at all, didn't have anyone to represent me up until the time I went abroad, but it was necessary for me to go to the committee to get such information as was available, and I met Mr. Whitney in that way.

Q. Did you get the information from him?—A. Yes; the information consisted in a lot of public documents in regard to hearings, etc.,

and I understood he was the proper person; in fact, he was referred to me—I think I was referred to him, rather, by the chairman for such documents.

Q. The chairman of the committee?—A. Yes.

Q. How long had you known Mr. Whitney before he became vice-president of the Lake Torpedo Boat Company?—A. I came here in 1900, I think. I think Mr. Whitney was the clerk of the committee at that time, and I attended every session of Congress after that up until the time I went abroad.

Q. In that way you saw a good deal of Mr. Whitney?—A. I would not say a good deal of him; I saw him perhaps a half a dozen times.

Q. What assistance, if any, did he render to you?—A. I do not think he rendered me any assistance except, perhaps, in the way of advising the proper course perhaps to pursue. I remember—about the only instance I remember him giving advice was when I first came down, and at that time I had sent a number of letters to each Member of Congress explaining the merits of the type of boat, and in response to those letters I received a great many replies from various Members of Congress and Senators. I received a telegram from Senator Hale, of the Senate Naval Committee, asking me to submit a proposition or something to that effect; it is in the record. I called to see Senator Hale, and he told me that it was too late to do anything this session of Congress, that the committee had practically made up their bill for the year and there was nothing further that could be done. Then I thought I would go over to the House committee. I went over to the House committee, and in that way I met Mr. Whitney. Mr. Whitney, I think, was the only one in the room at the time is my recollection, and I had some friends with me, and I told him I would like to meet the members of the committee and show them the plans of the type of boat which I was building. Well, in substance, I do not remember just exactly the conversation except that he advised me the proper thing to do was to see my Representative. He asked me where I was from; I told him Bridgeport, Conn. He said, "You should see your Member of Congress." I said, "I do not know him." I think he asked me that question first, and I think he looked it up for me. He said, "E. J. Hill is your Representative." I said, "I do not know Mr. Hill." He said, "That does not make any difference, you just go," and he directed me where to go, "and send your card in to him on the floor. If you are from Bridgeport he will probably see you; you are one of his constituents, and if you have anything to do before the committee or have anything to do," something of that kind, "it is proper that he should see you." I sent my card in to Mr. Hill and he saw me. I told him what I wanted, and I think he arranged for a hearing before the committee. In fact, he took me in, as I recollect, before the committee, and we had some little general conversation the first time. That is all it amounted to the first year.

Q. Did you show Mr. Hill the letters you have received from the Members of Congress, or any of them?—A. No.

Q. Is Mr. Whitney a stockholder in the company?—A. No.

Q. When did he become one?—A. He never became a stockholder until some time after he was appointed second vice-president of the company. He then purchased some stock, and when he resigned he sold the stock.

Q. That was about 1904?—A. I am inclined to think that the only way I can identify the date is from the fact when I went abroad I arranged for him to look after our matters here. He was appointed second vice-president for the purpose of giving him a title which would enable him to meet representatives of foreign governments with some standing.

Q. Now, if we understand you, all that Mr. Whitney has done was to give you certain reports?—A. That is all.

Q. Printed slips?—A. Yes, sir.

Q. And told you that you ought to become acquainted with your Member from your district?—A. Yes, sir.

Q. What is there about that which led you to think that he would be a good man to take charge of your affairs?—A. Nothing especial about that except that I liked his general appearance; that is all; and I was satisfied that he knew, having been here in Washington; he was about the only acquaintance I had here in Washington, and I felt, as I had been carrying on the fight here for a couple of years and was called aboard—I felt that it was proper that some one should continue the work who knew legislative methods; that was all.

Q. Then what was he employed or expected to do?—A. He was expected to meet the various representatives of foreign governments and look after our interests at that time here in case there was any submarine legislation that came up. In other words, he was to be our Washington representative, to do such work as I had been doing myself.

Q. Do you object to saying what compensation he was to receive or did receive?—A. No; we gave him $5,000 a year.

Q. How long did he continue vice-president of the Lake Torpedo Boat Company?—A. I do not really know. I should say some time between a year or two years.

Q. And then?—A. And then he resigned and conducted his own affairs, I presume. He was out of the company altogether until I returned. Then I took him abroad with me to look after those other interests which I have referred to.

Q. I do not know when you returned.—A. I returned two or three times for short visits. He has been a year or more with me.

Q. And he is now in Washington again?—A. And he is in Washington again now.

Q. What is his business here now?—A. He came over with me to look after the organization of another company that I had in mind, and he has prepared papers of various companies, organization papers, etc.

Q. In organizing companies in the District of Columbia?—A. No; they are organized either under the State of New Jersey or the State of Maine.

Q. What period of time was there that he was not in your employ or in the employ of some of your companies?—A. That I can not answer. It is a period of some months, I think.

Q. Practically he has been in your employ or that of some of the companies in which you are interested ever since his retirement from the Naval Committee?—A. Ever since shortly after his retirement. His intentions were at that time, I believe, to return to Chicago and enter the practice of law with his father. I learned of that, and I made him a proposition which he accepted.

Q. You say you had no conversation with him upon the subject until after his retiring?—A. Not until after his retiring from the position of clerk of the Committee on Naval Affairs. I had no business dealing with him whatever of any kind.

Q. Mr. Lake, have you prepared or had submitted to you any questions which have been handed this committee to submit to various witnesses?—A. Only in regard to some which Mr. Neff handed me while I was out this noon. Those are the only papers that have been referred to me.

Q. To-day?—A. To-day, in regard to some questions to be asked myself.

Q. I was not referring to yourself particularly, but to other witnesses.—A. No.

Q. You have seen no questions?—A. I think I have seen one paper. I do not believe I read the questions.

Q. Where did you see them?—A. I think it was something Mr. Neff showed me.

Q. When?—A. I have no recollection as to that. Since I have been subpœnaed here.

Q. Where?—A. In our office, I think.

Q. Do you remember what was the subject-matter of the questions?—A. I do not.

Q. Or what witnesses?—A. No.

Q. Or what was done with the questions?—A. I do not know.

Q. You understood that they were questions which were to be——A. My recollection is just in a general way, that they related to some technical questions that Mr. Neff had made up from some literature which he had. I have no recollection as to who they were to be asked of.

Q. They were to be given to Mr. Lilley, were they not?—A. I presume so.

Q. That was your understanding?—A. Yes, sir.

Q. And that one set of questions is the only one about which you have any knowledge?—A. The only one I have any knowledge of.

Q. Could you identify them probably?—A. I think I should if I saw them. In fact I think now that I remember and I think I disapproved of the questions. [Witness is here shown paper.] I do not think these are the questions. These were questions in regard to the price, having to do with the price of submarine boats, and I objected I remember now that I objected to questions of that kind being asked, on the ground that I was a submarine builder and did not want to have the prices cut down.

Q. Do you know whether they were submitted to this committee?—A. I do not believe the questions that I saw were. The object of the questions, as I remember it now, were to show that submarine boats could be built for very much smaller prices per ton than I would care to go on record as saying they could be built for. We hope to get a good price for boats if we succeed in getting any contract.

Q. Mr. Lake, have you with you the stock list or stock registers showing the ownership of stock in the torpedo boat company?—A. We have them in our offices here.

Q. Here in Washington?—A. Yes, sir.

Q. Can you say from memory whether any Member of the present Congress is a stockholder in your company?—A. There are none.

Q. Or the family of any Member of the present Congress?—A. Not that I am aware of.

Q. Or is any past Member of Congress?—A. Not as far as I am aware. In fact I know that there has never been a Member of Congress a stockholder, and I do not know of any relatives, close or distant, who have ever been stockholders.

Q. Is any stock held in trust for anybody?—A. No, sir.

Q. Is there any Member of Congress, so far as you know, of either branch, who before he became a Member was a stockholder in your company?—A. No, sir.

Q. Or any person who has been a Member of Congress but is not now?—A. No; no one identified with Congress in any way.

Q. Is anyone connected with the Navy Department in any way a stockholder of the company?—A. Not as far as I am aware.

Q. Is there any Member of the present Congress a stockholder in any of your present companies?—A. No, I do not think—in fact, I know there is none.

Q. Is there any Member of the present Congress who has at any time heretofore been a stockholder in any of the companies in which you are concerned?—A. No.

Q. Is there any large manufacturing company a stockholder in the Lake Torpedo Boat Company?—A. Not as a company.

Q. How would it be interested?—A. Individuals of large manufacturing companies are stockholders.

Q. What large manufacturing company?—A. The Singer Manufacturing Company.

Q. Who are the individuals?—A. Our treasurer, Mr. L. B. Miller, who was superintendent of the Singer factory for many years.

Q. Who else?—A. Mr. Henry B. Miller, who is a patent attorney of the Singer company.

Q. What other members of the Singer Manufacturing Company have, so far as you know?—A. I do not know that Mr. Henry J. Miller is a stockholder. He is merely a patent attorney. Mr. Miller is the only stockholder that I know of.

Q. This man you have mentioned is the treasurer of your company, or treasurer of the Singer company?—A. Treasurer of our company.

Q. Are any of the officers of the Singer Manufacturing Company stockholders in the Lake Torpedo Boat Company?—A. Mr. Miller. He has resigned, however. He is no longer an officer, I believe.

Q. No longer an officer of the Singer company?—A. No. He has retired from age.

Q. Do you know what Members of Congress, if any, are connected with the Singer company?—A. I do not.

Q. What manufacturing company, if any, has loaned money to the Lake Torpedo Boat Company?—A. Not any.

Q. You are not indebted to any manufacturing company?—A. No, sir.

Q. Has the Lake Torpedo Company its own manufacturing plant?—A. In Russia. Not in this country. We have no business in this country at the present time.

Q. Are not you making a boat for the Government?—A. We are preparing to build a boat, but that will be built under contract in the Bath Iron Works.

Q. Where is that?—A. That is in Bath, Me.

Q. Are all the parts to be built there?—A. No, sir. We buy wherever we can to the best advantage. The machinery is special work that has been developed for this special purpose, and we buy in various parts of the country, from specialists, principally.

Q. Do you buy any brass work?—A. Yes, sir.

Q. Where do you expect to buy that?—A. We buy where we can buy the cheapest. Our usual way is to send out and ask for bids, ask for propositions of various manufacturers. We are not tied to anyone.

Q. Have you had any conversation with anyone about furnishing brass for the boats you are now constructing, or under contract to construct, for the Government?—A. No.

Q. Or for any other part of the vessel except that which is to be made at Bath, Me.?—A. Only in regard to some of the machinery. The principal machines we buy from various manufacturers.

Q. What manufacturers?—A. The Diehl Manufacturing Company, the Gould Storage Battery Company, the Willard Storage Battery Company—various manufacturers throughout the country of whom we expect to buy.

Q. Does the Singer Manufacturing Company make any parts of boats such as this?—A. No; they make sewing machines.

Q. You do not use them in submarines?—A. No, sir.

Q. In what bank does the company transact its business—that is, where would it discount its commercial paper?—A. We do not have any commercial paper discounted.

Q. Has the company issued any bonds?—A. No, sir.

Q. No bonds or notes outstanding?—A. No, sir.

Q. Do any newspapers or newspaper proprietors or newspaper corporations own any stock in your company?—A. Not so far as I am aware.

Q. You have mentioned Mr. Neff. Is he an attorney of your company?—A. No; he is the manager here in Washington. He took Mr. Whitney's place.

Q. What are his duties?—A. Well, to keep the office open and send out literature and to meet the representatives of foreign governments—general office duties.

Q. What duties, if any, with regard to legislation?—A. Well, I do not think he has any particular duties in regard to legislation. He is supposed to get our literature before as many members of Congress as he can, as well as officers of the Navy Department.

Q. To look after the interests of the company generally?—A. Generally.

Q. The propaganda of which you spoke consists of sending out these postal cards and——A. And our pamphlets, such as you have there.

Q. A catalogue and the letters signed by yourself?—A. Yes, sir.

Q. And the magazine articles?—A. We have not sent any magazine articles, to my recollection, this year.

Q. Do you know who did send marked copies of Harper's Weekly to every Member of the House?—A. I do not. I have never seen Harper's Weekly. The first knowledge I had of it was the other day here. I saw some of the members of the committee with one. My intention was to buy one, but I have not happened to think of it when I was where I could.

Q. If you were a Member of the House you would not have to buy one.—A. No.

Q. You personally do not know who sent them?—A. No. I do not think it could have been anyone connected with our company. If it has been, it is entirely unknown to me.

Q. You would not consider there was any impropriety in sending a printed magazine with an article favoring your company?—A. Not at all; but if I had seen it and wanted to send it to Members of Congress, I should have done so——

Q. If it was sent by somebody representing your company, it would not incur your displeasure?—A. I do not know what is in it.

Q. Assuming it to be rather friendly?—A. If it is another instance of that report of the legislation which was sent out, which incurred my displeasure, yes; because I had no intention that that should become public previous to its being reported. I think the newspaper instinct, however, is responsible for that entirely. They like to get ahead in getting news for the public.

Q. But in this instance you and Mr. Skerrett seemed to get ahead of the newspapers?—A. I call that the newspaper instinct on Mr. Skerrett's part. It is a thing we have had a disagreement about before.

Q. Do you read the Connecticut newspapers, for the last week or two?—A. I read the Bridgeport papers; those are the only papers.

Q. None of the others?—A. None of the others. I do not recollect seeing any of the others, and very few of the Bridgeport papers. I have been too busy in preparing to go abroad. I should have been abroad some time ago if it had not been for this investigation.

Q. You, it seems, spend the greater part of your time abroad.—A. Yes, sir.

Q. In the interest of your company?—A. We have contracts in two countries which take up my time.

Q. While you are abroad who is the officer in general charge of your affairs in this country?—A. My father has been up to the time I returned.

Q. His name is what?—A. J. C. Lake. That was up until in December, and I found his health was so much shattered that I persuaded him to retire from active participation in the affairs of the company and go off. He was intending to visit me on the other side. I found I was detained here, and he would not be able to visit me there, and his doctor recommended that he have a sea voyage.

Q. He then is or was until December, 1907, the officer in active charge of the affairs of the company in this country?—A. Yes, sir.

Q. Did he correspond with you about the attempts to secure a contract for a boat from the Navy Department?—A. You are referring to our last contract?

Q. Yes.—A. The contract which we eventually secured?

Q. Yes.—A. Yes; he sent me a copy of the letter from the Secretary of the Navy stating that a contract would be awarded to us on certain conditions. I received that in St. Petersburg. I immediately wired him to accept the conditions. I was the only one on the board of directors who was so inclined.

Q. When was that?—A. I am inclined to think that was sometime in November. That is what caused me to visit this country at this time.

Q. Have you that letter with you?—A. No, sir.

Q. Where is it?—A. I presume that is in London.

Q. I believe the correspondence with the Secretary of the Navy began in June, 1907?—A. Oh, that was in regard to the bids, our bids last year. I was here at that time.

Q. You were here at that time?—A. Yes, sir.

Q. When did you go abroad?—A. I went abroad immediately after the Newport trials finished last year. They were in June. I must have sailed—the trials commenced about the 1st of June; it must have been about the end of June or early in July—it may have been in June that I returned. It was immediately after the trials were finished.

Q. That is, the Newport trials?—A. I considered there was nothing further to the advantage of the company to remain here at that time.

Q. Were you in this country when the matter was taken up with the Secretary of the Navy with reference to the Attorney-General?—A. No.

Q. That was after you had gone?—A. That was after I had gone.

Q. Then Mr. J. C. Lake was in charge at that time?—A. Mr. J. C. Lake was in charge at that time.

Q. And he was here in Washington from time to time, was he not?—A. Yes; I think he spent most of his time here in Washington at that time.

Q. Did he report to you from time to time?—A. He reported to me that the matter had been referred to the Attorney-General and sent me a copy of the Attorney-General's opinion.

Q. He from time to time reported progress?—A. Yes, sir.

Q. You being the president of the company and he being the vice-president?—A. Yes, sir.

Q. You had correspondence?—A. I presume I have it in London.

Q. Would not the books of your company contain letterpress copies of it?—A. I presume they would.

Q. Where are they?—A. We have some of the books here in Washington and some in Bridgeport. It might not contain any reference to that, as his custom frequently was to write me in lead pencil. He uses a lead pencil a great deal.

Q. This is a very important matter, and he probably wrote you very fully.—A. I remember about the circumstance that after the Attorney-General's opinion he thought we would have some chance to get contracts. And on that I differed with him. I looked at the matter from purely a technical point of view, and that is where I differed from the lawyers in the matter. I could not see how any technical man under the interpretation of that legislation of last year would say for a moment that the Lake Torpedo Boat Company was entitled to any contract under that legislation. As I say, I did not look at it from a lawyer's point of view, and I was very much surprised when I learned that the Senator's argument had prevailed.

Q. You then learned the advantage of having a good lawyer?—A. Yes; I recognized it.

Q. In Mr. J. C. Lake's letters to you did he mention having brought any other influence to bear upon the question outside of your attorney's influence?—A. No.

Q. Did he mention any other parties as taking an interest in the matter?—A. No.

Q. Or any other persons?—A. No; I think the Senator is entitled to all the credit. His argument, as I remember, when I received the copy of his brief, I was surprised to think how he could have secured such a grasp of a purely technical subject as he did.

Q. You have charge of the letter-press copy books which would contain that correspondence?—A. I can get them if I wish. I have not looked over them. I will have a search made.

Q. And advise us?—A. Yes, sir.

Q. If you will.—A. Mr. Neff will look after that; he has charge of the files.

Q. Mr. Lake, this committee has been endeavoring to subpœna Mr. J. C. Lake and the subpœna was returned by the Sergeant-at-Arms with this indorsement: "Not served; party is out of the United States, in Bermudas, on account of continued ill health. Fred N. Webber, sr., special messenger Sergeant-at-Arms House of Representatives, U. S." And then follows this: "This information came from Simon Lake, who said as follows"—and now it appears to be quoted—"'Father for the past seven months has been out of all business, and traveling with my mother. He is an invalid, and from a letter now on my desk he left New Orleans four days ago for the Bermudas. I can not say when he will return.'" That is quoted, and then follows: "This information was also repeated by a gentleman brought from Mr. Simon Lake's private office, who was introduced as the chief counsel of the Lake Boat Company. Respectfully, F. N. Webber, sr." Is that correct?—A. No. I have already testified in regard to that. Since that time Mr. Webber came up to Bridgeport again and I called his attention to the fact that his return was not right, and explained it to him, which I understood from him that he had corrected and made a later return in accordance with the facts. I will explain on behalf of Mr. Webber that at the time he called there that I was only able to speak in the barest whisper and I called Mr. Foster, who happened to be in the office, and asked him to explain for me. I had very little conversation with Mr. Webber. The correct statement is that my mother had been ill—I may have stated eleven months—she was taken sick last spring or summer at Atlantic City and was brought here on a stretcher and spent some time at various sanitariums, and then my father was also taken ill, and he spent some time in one of the sanitariums in Washington.

Q. When was that?—A. That was during the last year; when I returned here I spent a few days with them. They were living in the Marlborough at that time, and some time in January I think they went down to Hot Springs for a course of treatment.

Q. Virginia?—A. Hot Springs, Va., and the doctor there ordered a sea trip. And their intention was to visit my family on the other side, and I found that I would be detained here, so instead of that I sent for my family to come over here. My family sailed from Southampton on the 18th of December and I think my father sailed for New Orleans on the 18th.

Q. Eighteenth of what month?—A. Eighteenth of March.

Q. He sailed from New Orleans?—A. He sailed for New Orleans from New York.

Q. Was that in pursuance of a plan of long standing?—A. No; as I say, they intended to visit my family abroad; that was their first intention. They returned here to Washington; my sister was living in Washington at the time, and I do not know how long that they had it in mind; I only knew of it a day or so before they sailed that they were going to sail to Habana.

Q. By way of New Orleans?—A. By way of New Orleans.

Q. Do you know when they reached New Orleans?—A. Yes; I received a letter from my mother at New Orleans, stating that they expected to sail for Habana on either the 4th or 7th. It was a figure, I think it was a 7. I think it was intended to be a 7.

Senator THURSTON. Seventh of what month?—A. April.

Q. Do you know whether they sailed?—A. I do not; I have not heard from them since.

Q. Then you do not know where he is at present?—A. I do not know where he is. One moment, my brother-in-law, I believe, has received a letter. He did tell me that he received a letter from my mother that they expected to sail for Habana, I think, the day that the letter was written, according to my recollection.

Q. Do you know what day that was?—A. No; I do not.

Q. Who is your brother-in-law?—A. C. E. Adams.

Q. Is he an officer of the Lake Torpedo Boat Company?—A. No; he is not an officer; he is a bookkeeper. He is subpœnaed to be here to-morrow, and I suppose he will know. I did not finish my statement there. My brother-in-law told me that my mother had written him that they expected to sail for Habana that day and thought they would return from Habana on the 11th, arriving at New York on the 14th. He said they were feeling very much better and father was anxious to get back to work. If the committee wishes, I will try to get into communication with them, if they want him. I did not particularly care about having his trip broken up, but since he is coming this way—he may be on the way now. To-day is the 14th, and he may arrive in New York to-day.

Q. Did you send any telegrams to him in New Orleans?—A. No; I have not communicated with him at all.

Q. Do you know whether anyone in the office or employ of the company has?—A. I do not. They did not leave any address. My mother was complaining because she had not received any word from any of us. We supposed that they would wire us at the hotel that they were stopping at, but they did not do so.

Q. Have you charge of the stock lists and stock books, showing the names of the stockholders of the Torpedo Boat Company?—A. At the present time I have; ordinarily they are in the charge of our treasurer.

Q. You have them at the present time?—A. At the present time.

Q. As the president of the company?—A. Well, they are simply here, brought here because of that subpœna; that is the only reason I have charge of them at the present time.

Q. Will you submit to us the books and papers called for in the subpœna; you are familiar with what they are?—A. We are willing to abide by any rules made for anyone else.

Q. We have not made rules yet for anybody, but we have issued subpœnas.—A. In regard to that subpœna, it is rather broad, and I have consulted over the matter with our attorney and we are willing

if the demand is made upon the Electric Boat Company—if they are compelled to show their books, we are willing to show ours.

Q. You are not connected with the Electric Boat Company?—A. No; we understand that we are not being investigated and we do not care about showing our books, which relate purely to foreign business.

Q. Have you no books relating to American business?—A. No; we simply have general books. We have not had any American business as yet.

Q. You mean your entire business is kept in one set of books?—A. Yes.

Q. As I understand, then, you decline to produce them until we have compelled some other company to produce theirs.—A. I would prefer that our attorney answered that.

Senator THURSTON. Mr. Chairman, I can answer that. We are perfectly willing to produce all our books if the committee so orders. Our only suggestion is that any order in that respect, if they ask us to produce our books, shall be a general order on both companies to the same effect. We have no objection and we have no argument to make against any order you may make regarding the production of books. We will abide by any general rule that you may make and with entire willingness.

Q. I will say now that the Electric Boat Company has offered to and proposed to and will, as we understand, submit to this committee, to be considered by it in executive session—that is, we have not decided whether we will accept it, but they have said they would do that—their stock books, etc. I will ask the witness, then, whether he is willing to make the same submission of the books of his company?—A. With the consent of our attorney, I will say yes. I will let the lawyer decide.

Q. Then at such time as we call for those books you are willing to submit them for our use in executive session?—A. Yes.

Q. If we conclude to accept the books of the other company on those terms we will accept yours on the same terms.—A. Very good, sir.

Q. Does your company take any hand in politics, Mr. Lake?—A. No, sir.

Q. None at all?—A. No, sir.

Q. Made any contrbiutions to any campaign committees?—A. That is referring to the company now?

Q. Yes.—A. No, sir. I have contributed to campaign committees at various times many years in an honest way.

Q. Have you contributed to the election of any particular Member of Congress?—A. No, sir; I do not think so, in the slightest degree.

Q. Or to the defeat of any particular Members of Congress?—A. No, sir.

Q. You say that any contributions you have made has been to a general national committee or the State committee?—A. No; I do not know what. Simply in the town I have happened to live in, the community, the party with which I have been identified had asked me to contribute and I have done so.

Q. That is, in your personal capacity?—A. Yes.

Q. Did you consider it improper to do so?—A. No; I have not.

Q. In making such contributions did you have any promise from anybody to support the Lake Boat Company in any way?—A. No, sir; never discussed it with any Member of Congress or anyone identified with the Government in any way, shape, or fashion.

Q. Have you or the Lake Torpedo Boat Company, or anyone connected with it, so far as you know, attempted in any way to defeat the election or nomination of any individual as a Member of Congress?—A. No, sir.

Q. Do you know of any torpedo-boat companies that have?—A. I do not.

Q. Or any officer of any torpedo-boat company that has?—A. I do not.

Q. You have been present during the greater part of the taking of testimony before this committee, have you not?—A. Well, since April 1.

Q. Have you read the testimony?—A. Generally; I have not gone into any detail.

Q. You know the charges?—A. Only in a general way. I do not think I have read them in full.

Q. I think perhaps I have read most of them to you. This is one of the charges by Mr. Lilley:

I also became advised of prevailing and persistent rumors that the Electric Boat Company have contributed in some Congressional districts represented by members of the Naval Committee to their campaign funds, and that it contributed to the campaign fund of the opposing party in the Congressional district of a member of the Naval Committee.

Have you any knowledge or information which would be useful to us on that point?—A. No; I have no knowledge on the subject at all.

The CHAIRMAN. Does any other member of the committee wish to ask any question?

Senator THURSTON. Mr. Chairman, before Mr. Lake leaves the stand there is one matter I would like to have him make a statement about with reference to the testimony of Mr. Isaac L. Rice, who charged that the Lake Torpedo Boat Company had endeavored to sell out to the Electric Boat Company. I would like to have him make that statement and make it very fully.

The CHAIRMAN. I would say to the witness that any voluntary statement that you have to make that will throw any light upon the subject the committee would be very glad to hear, and our only object in subpœnaing you and these other witnesses, is to get a full light on this subject, with no other purpose and with no other opinion. I may say right now, and this perhaps would be the proper place to say it on behalf of the committee, that if there is any impression in the minds of anyone, even a very small part of the public, that this investigation was instigated or encouraged by the Lake people, it is an impression that does not reflect in any way the opinion of this committee or any member of this committee, and if such an impression exists in the mind of any individuals, or any number of individuals, it is an impression that could only come either through the evidence on the one hand or what has been published in the newspapers on the other. The committee will be very glad, Mr. Lake, to hear from you any voluntary statement of all matters within your own personal knowledge.

The WITNESS. This I have prepared very carefully, because we have been put in rather a wrong light.

My attention has been called to a statement made before this committee by Mr. Isaac L. Rice in reference to representatives of the Lake Torpedo Boat Company approaching him with a view of selling out our business in the United States. In this statement he mentions the names of various persons as parties to the negotiations and gives an entirely wrong impression of what actually occurred. In view of these misleading statements I feel that he has released me from any obligation to withhold certain communications and transactions which any honorable business man would consider private and confidential.

First, I wish to state most emphatically that the Lake Torpedo Boat Company has never authorized any person to negotiate with the Holland Torpedo Boat Company, the Electric Boat Company, or any other company, or individual, or individuals representing either of these two companies, for the sale of its United States interests.

On the contrary, the Lake Torpedo Boat Company has been repeatedly approached by various individuals who purported to represent various other companies or individuals—the Electric Boat Company included among the number—with a view of securing the controlling interest in the stock of the Lake Torpedo Boat Company, or to buy out its valuable patent rights in their entirety, which purchase, if made by the same interests which controlled the so-called Holland patents, would establish an exclusive patent-protected monopoly of this country's submarine line of defense, and the Government would probably be compelled to pay such exorbitant and excessive prices as this monopoly might demand for its submarine means of defense, which is now becoming recognized in this country and abroad as one of the most important means of protection.

I shall make mention of only such offers as we have received from parties who claimed to be representing the Holland Boat Company, the Electric Boat Company, or the Vickers-Maxim Company, an English corporation which has been reported to me as owning the controlling interest in the Electric Boat Company, or by parties whose actions led me to believe that they were representatives of the Holland or the Electric Boat companies.

The first time I was approached was by a Mr. Hurd, who claimed to represent Vickers-Maxim; later he brought with him Sir Hiram Maxim, who visited my boat and expressed himself as believing my principles of submarine navigation correct. I was pressed to name a price for my entire submarine-boat inventions throughout the world. I refused to do so on the following grounds:

First, the value of the submarine boat had not yet been recognized to the extent which I thought it would be in the course of three or four years. Consequently I did not believe they would place the value upon it that I did at that time.

Secondly, the development of the submarine boat had been the work of many years and I was ambitious to remain identified with it until it became recognized as the important means of defense for the protection of our country, which I felt sure would be its value.

The next proposition was made when I was building the *Protector*. In 1902, while building this boat, I was approached by a Mr. Hall, from New York, who stated that he thought he could interest a num-

ber of gentlemen in my submarine proposition. Within a few days he appeared in Bridgeport with a lawyer from Brooklyn, whose name I do not recall, who brought with him a stenographer. The lawyer stated that a syndicate of gentlemen were inclined to become practically interested in our business, but first they wanted a report on the financial condition of the Lake Torpedo Boat Company, a list of the stockholders, a list of patents, and much other private information. This information was given them.

A few days later the same lawyer again appeared, stating that his people had decided to acquire an interest in our business, and would put up $300,000 and as much additional money as would be required to conduct the business, but they would come in only providing they could secure a controlling interest in the company. During this interval Mr. Hall had frequently visited one of our then directors, and this director had suggested to me that he thought it would be the proper thing for me to sell out to the Holland Boat Company, take a couple of hundred thousand dollars, and that perhaps it could be arranged that I would get a very handsome salary besides, and let them conduct the business, as I had no experience in securing governmental contracts; that he (the director) had experience in that line, and knew that it required a great deal of experience which I, as the inventor and manufacturer, could not be expected to have; that he felt quite sure it required that knowledge and experience to secure any Government business.

My reply to him was that I was building the *Protector* at the request of the Navy Department, whose desire it was to prevent a monopoly of this means of defense, and I was in honor bound to fulfill my agreement with the Navy Department, build a boat and submit it to them for their consideration. Before advising the Brooklyn attorney of my decision not to sell my controlling interest, I had asked him who his principals were. He refused to disclose this. The negotiations were, therefore, dropped, and we completed the boat with our own resources.

Shortly after my refusal to sell my controlling interest to the Brooklyn attorney with his mysterious, unnamed principals, we received a letter from an attorney of the Electric Boat Company, demanding that we immediately stop the construction of our boat; otherwise they would bring suit against us for infringement of patents. We replied that we did not believe we were infringing, asking them to advise us how and in what particulars they considered we were infringing; that we would look into the matter, and if we found we were infringing (which we did not believe, as we were constructing our boat under our own patents) we would stop. The reply to that communication was, in substance: We propose to bring suit anyhow.

The next information we had in regard to the matter was a call from five newspaper reporters at our New York office, with typewritten statements which had been furnished them by the attorney of the Electric Boat Company, stating that they were going to proceed against us. In January, 1902, they commenced a suit for infringement of patents.

As we were not infringing we looked upon these suits as efforts to intimidate us. Of course the majority of people would think that suits would not be brought unless there was some ground for them.

As we were assured by our patent counsel, Livingston Gifford, of New York, that we were not infringing, these suits did not frighten us, or cause us to discontinue the construction of our boat, but we were next very much surprised to find that all our property in Connecticut had been attached and was in the possession of the sheriff under a libel suit for $50,000. Connecticut has peculiar laws in respect to the attachment of property, and by furnishing a bond of only $100 the Electric Boat Company had taken advantage of these laws to the extent of requiring us to furnish a bond of indemnity for the release of our property. The so-called libel consisted in my publishing a confidential letter to my stockholders which repeated the language of certain naval officers in regard to the Holland submarine. Not being a lawyer, I did not put these statements (which I had copied from the testimony of these naval officers as given in one of the House documents) in quotation marks, nor referred by name to the officers who had originally made the statements as my authority. I was residing temporarily in Bridgeport at the time, and I had these circulars printed on my initiative and sent them down to the New York office for the approval of my directors, to be sent out from there, as our principal office was in New York at that time. One of our directors, who is an older and much more experienced man than myself, saw the circular and advised against sending it out. My father was in charge of the office at that time, during my absence, and he informed me that previous to our directors seeing the circular, a party had come into the office inquiring if any stock could be purchased; that he wanted to know the status of affairs in regard to submarine boats in this country. My father gave him one of the circulars. This party was evidently an emissary from the Holland Torpedo Boat Company, for they used this circular as their basis for the libel suit in trying to stop the construction of the *Protector*, as I learned that a mysterious stranger had been interviewing a number of our small Bridgeport stockholders. Their evident belief was that we would not be able to put up the bond required to continue construction.

No attempt has ever been made by the Holland Torpedo Boat Company, or the Electric Boat Company, to bring any of the patent or libel suits to trial.

I wish to introduce reference to these matters from testimony previously submitted to the Committee on Naval Affairs, and request that House Document No. 123 be made a part of this statement.

The third time we were solicited to sell our business was about the time of the Newport trials. My attention was called to the matter by Mr. Charles R. Flint, of New York, with whom we have had business relations in regard to certain foreign countries. Mr. Flint has never been interested, however, in our American business.

According to my recollection, the conversation with Mr. Flint was, in substance, that Mr. Rice had spoken to him about the purchase of the Lake Company's interest in the submarine business and wanted him to find out if it was for sale and at what price. I told him that as far as I was personally concerned, I had no desire to sell, as I wished to continue in the business with which I had been identified since my boyhood. My recollection is that Mr. Flint pointed out the fact that I had not so far succeeded in securing any recognition

in this country after my many years of endeavor, and he thought it would be much better for myself and stockholders to take a sum of money (my recollection is that a million and a half dollars was named as the amount he thought the Electric Boat Company would give) and let more experienced people handle the business end of it. He stated further that he thought the Electric Boat Company had a very high opinion of my ability as an inventor, and that they would be disposed to pay me a handsome salary to continue my efforts in improving the submarine boat, and to act as consulting engineer for them.

This conversation occurred, according to my recollection, on my return from abroad, just previous to the Newport trials last spring. I told him I did not think that my directors would consent to selling to the Electric Boat Company, but that if a definite proposition was made, of course I would consider it my duty to submit it to them. I believe Mr. Flint mentioned something of this matter to one of our other directors.

The next I heard about an offer by the Electric Boat Company to buy out the Lake Company was several days ago. I was confined to my room at the Engineers' Club with a severe cold and an attack of acute laryngitis. I received a call on the telephone. I answered it, and recognized Mr. Charles R. Flint's voice. He stated, in substance, that certain parties, whose names he did not mention, but who, he said, were at that time under investigation, had sent to him and stated that they wanted peace, and plenty of it; that they thought the Lake people were responsible for the investigation and that they wanted to know where I could be seen. I told Mr. Flint that I was at the Engineers' Club and he could see me there. He said he would come right up. He came up and then went into the matter more in detail. He stated that Mr. Rice and Mr. Frost were in a room downtown; that they had sent a man to see him and wanted to know if they could not renew the negotiations that had been discussed previously in regard to securing the Lake Company's interests, or if something could not be done to stop the investigation. He said that both were apparently very much concerned about the Lilley investigation and he thought they were willing to do most anything to stop it. I told him I had absolutely nothing to do with this investigation in any way, shape, or fashion; did not know an investigation was to be made; that I hardly knew Mr. Lilley, having only just recently been introduced to him and having met him only once since then; that I did not believe, even if I were disposed to stop the investigation which had been started, that there was any possible way in which it could be done, as I took it the matter was entirely out of Mr. Lilley's hands.

I think Mr. Flint's reply to that was: "Well, there is no need of your telling them that and I don't see that there is any harm in listening to their offer." He asked me if I had any objection to his hearing their proposition. I said no, I had not. He then called up on the phone and made an appointment to see some one in reference to the matter—I do not know whom. He said he would return, which he did in the course of a couple of hours. According to my recollection the proposition which he then submitted was this:

The Electric Boat Company would give $1,000,000 in preferred stock and $2,000,000 in common stock if I would turn our United

States rights over to them and use whatever influence we might have to stop the investigation.

My reply to that was: "It does not interest me."

He stated, I believe, that this proposition had been made to him by a man by the name of Brown, and that Brown wanted to arrange for him and myself to meet Rice and Frost. I said I could not do that under any circumstances. He then said: "Well, have you any objection to my meeting them?" I told him he was free to do as he pleased. He then called up a man whom I assumed to be Brown, and I took it from the way the conversation was carried on that Brown was in the same room with Messrs. Rice and Frost. Mr. Flint stated to the man at the other end of the wire that he would be glad to see his party if they would call at his house. Mr. Flint informed me that they would not come to his house as they were afraid that they were being watched; that they thought Mr. Lilley had a detective on them, but that they would meet him at the Gilsey House. He refused to meet them at the Gilsey House, saying that if they wanted to talk business they must come to him.

Not being able to come to any satisfactory arrangement, as I took it from the conversation over the phone, Mr. Flint left, and, I believe, went to his office. I do not know whether they met or not, but I gave Mr. Flint distinctly to understand that I would not be interested in any stock proposition, even to the extent of submitting it to my board of directors. Later he returned and stated that they were disposed to give considerable cash—my recollection is that the price named was $1,000,000 in cash and some other consideration in the nature of royalties. I told him I did not believe they had $1,000,000 in hand, as I had and still have some of their notes, which they have recently renewed, and of which their attorneys knew. It seemed to me they would have considerable difficulty at this time in raising $1,000,000 in cash, and that probably the whole negotiations were being conducted on their part with some ulterior motive in view with regard to this investigation. I told Mr. Flint I did not care to give the matter any further consideration. He agreed with me that the probabilities were that their object was as I had stated.

The CHAIRMAN. Do you wish to add anything, Mr. Lake?—A. No; I think not.

By Mr. STEVENS:

Q. Mr. Lake, your system of your type of submarines is of an entirely different character than the Electric company's, we understand?—A. Yes.

Q. You have considerably different machinery and different arrangements, I presume?—A. That is, the propelling machinery is very similar to all boats of the present day—system of gasoline engines, storage batteries, and motors—principal machinery; that is similar.

Q. But the bulk of the machinery, then, that is used would be about the same?—A. About the same, I should take it.

Q. Your design is, as I presume the design of the other must be, to furnish the most efficient boat for submarine defense?—A. Yes.

Q. That is what you design to do?—A. I go a little further than that, and claim that our boat is well adapted for defensive and offensive operations.

Q. That is to say, you can operate on the surface of the water?—A. No; but that we can carry the attack into the enemy's country, and, I think, primarily the boat was considered purely as a defense for harbors, but submarines are being built to-day for the purpose of going to distant countries and making an attack—blockade a fleet of an enemy in their own harbors, for instance.

Q. That is to say they have a wider radius of action or can stand the seas better.—A. We think our type of boat is better adapted as a seagoing vessel than the cigar-shaped craft, because we have a large width superstructure that enables us to have a large surface of reserve buoyancy, it is called. In other words, we are building boats to-day with a reserve buoyancy of 28 or 30 per cent that compares very favorably with surface vessels. Formerly the earlier submarine had a very small reserve buoyancy, 10 to 15 per cent. The result is in a heavy seaway the sea simply swept over the vessels and it would be impossible for any person to stand any length of time on deck or make any voyages without any discomfort.

Q. Your new type has practically a wider radius of action than any heretofore made?—A. We think so.

Q. Do those improvements that you have made cost you more money?—A. We think so.

Q. You expect to get more money for them?—A. We should get more money for them.

Q. You ask more, I presume?—A. No; we do not ask more. On the ton basis I think our prices are considerably less.

Q. I was not comparing your prices with other companies, not yet, but with what you have asked heretofore.—A. You are referring to the prices we sold our boats at?

Q. No; because I understand you have not sold any.—A. We have sold to foreign countries.

Q. I am just speaking about this country. What did you do with the boat *Protector*?—A. Sold it abroad.

Q. Did you make an effort to sell it to this country, to our Government?—A. Yes.

Q. And that offer was not accepted?—A. The Senate passed a bill authorizing her purchase, but it was killed in the House.

Q. When was that?—A. I think in 1903 or 1904—it was in 1904.

Q. Since that you have made another effort to sell a boat to this country up to within the last year?—A. No; we notified the Government we intended to submit a small boat that we have, the Lake boat, which was in the trials; that it was our intention to offer her to the Government, but in view of the exclusive legislation last year we did not offer her, so that I felt at least the Government had no authority to buy her under that legislation.

Q. You kept watch of legislation closely with the idea of pushing your boat?—A. As I say, I was abroad and I did not know anything about it until the law had passed.

Q. But it is the general design of your company to push its boats legitimately with this and other governments?—A. Yes.

Q. Is that construction more expensive now than it was five or six years ago?—A. Yes.

Q. In what way?—A. Because much higher speeds are being required.

Q. Does that cost much more?—A. Oh, yes; the power required goes up enormously as the speed goes up.

Q. You provide a boat of nearly 500 tons capacity, do you, under your last contract?—A. Yes, sir.

Q. What speed does your contract call for?—A. Our contract calls for 14 knots, but we are expecting to get it up to 16.

Q. Now, what kind of a contract would you have made six years ago, what speed would you have dared to contract for then?—A. I think six years ago we might have contracted for the same speed that we are contracting for to-day. I am a little afraid we would not have been able to have fulfilled our contract at that time.

Q. What sort of a contract did you think you could have fulfilled six years ago as to speed?—A. Six years ago? We are building to-day boats, the plans of which were submitted to this Government in 1901; we are building abroad boats practically under those designs, and we expect to get between 14 and 15 knots on the surface in those boats and between 8 or 9 knots submerged.

Q. Would you have done the same thing six years ago?—A. Yes; I think we would.

Q. Is there any difference, then, in the cost of construction as to that craft six years ago and now?—A. Yes; because the boat we are offering now because of the fact that we are expecting to get 16 knots instead of 14, it requires a great deal more machinery, much more powerful machinery.

Q. And I suppose other improvements?—A. Other improvements, yes.

Q. Of minor importance?—A. No; rather important improvements in regard to the torpedo firing mechanism, rather expensive additions.

Q. Now, then, about how much additional expense do you estimate that such a type of boat would require from a type that you would have dared to contract for and deliver, say, six years ago?—A. I presume you are referring now to the plans we are proposing to build from in comparison with the plans we submitted to the Department six years ago.

Q. Yes; that is exactly what I want.—A. This present boat would cost from fifty to seventy-five thousand dollars more, I should say, on a rough guess.

Q. And is other ship construction proportionately expensive—take the torpedo boats or the battle ships?—A. I should consider that the expense of submarine boats would compare the nearest with that of the surface torpedo boat.

Q. So that of that type of construction that has been invented in the last few years there has been an increased charge for those improvements in the last few years?—A. By the increased speed required, that has been the principal cause of the increase in cost.

Q. And there has been a material increase of cost?—A. I should say present demands have increased the cost.

Q. So that an estimate that might have been fair six years ago and that you would have dared to accept six years ago you would not dare to accept now?—A. Well, of course, the boat which we are building now has these additional features and additional speed.

Q. The best boat you can get now as compared with the boat you would have put out six years ago?—A. Would cost more money; yes.

Q. And you have estimated about fifty to seventy-five thousand dollars?—A. I should say fifty to seventy-five thousand dollars more for the boat that we are proposing now.

Q. Now, as I recall that contract that you had of the $450,000, a part of it represents interest on the investment that you must make?—A. Yes.

Q. How much of that represents interest?—A. I think the Secretary testified he allowed $20,000 to $25,000. I added $25,000 in my original estimate. That is what we asked for, but we did not consider that we were receiving any interest allowance, because we asked originally $525,000.

Q. And the Navy Department cut you down to $450,000?—A. Cut us down to $450,000.

Q. Do you furnish the same type for $450,000 that you proposed to furnish for $525,000?—A. Yes, sir; we propose to furnish the same type of boat as we proposed to furnish for $525,000.

Q. And of that amount the excess cost over construction, such as you would have made six years ago, would be about $75,000?—A. I am comparing it with the boat we submitted to the Department six years ago. That boat was, of course, a smaller boat. That was 125 long and this boat is 161 feet. They were built on lines which we assumed at that time were good enough to make a speed according to the usual form. Now we have the system of running models in tanks, by means of which we get more reliable data as to the actual performance of the vessel.

Q. Such a tank as we have down here at the Washington Navy-Yard?—A. Yes; and at that time we were perfectly honest in our belief that we would get 16 knots, and since we have had model trials of that particular type we found we would be only able to get between 14 and 15.

Q. In bidding to construct such a boat as you have, do you use the basis of tonnage as an estimate of cost?—A. I do. I think most shipbuilders use the basis of tonnage in the rough.

Q. Is it the popular use of tonnage, or do you use it in a technical way in framing your bids?—A. I do not know that that would apply in all cases; but most shipbuilders—you go and ask them the price of a trim ship, for instance, or a ship of a certain type, a trans-Atlantic liner, and they will tell you, and I believe a battle ship or cruiser, they will name a price sometimes in a very few minutes.

Q. That is rather a standard type of a ship of which a considerable number are constructed?—A. Yes; I think the same thing applies.

Q. You think the same thing applies to that type of vessel?—A. That has been my custom of calculating.

Q. So that when you go to the Navy Department to Admiral Capps, when you confer with him about constructing a vessel, you use the tonnage system as a basis for constructing them?—A. Yes; because there was ample allowance, and it was safe in doing that, because they usually have ample allowance of profit.

Q. And speaking of the matter of the method of presenting your bids to the Navy Department.—A. Yes; I do not know a single instance where I have calculated in determining the price, in naming the price, I do not know of a single instance where I have gone into detail and worked out the cost of that vessel. It is very seldom that the details of a vessel are worked out. The working out of the de-

tails goes along with the construction of a vessel; it is impossible to tell.

Q. Has the tonnage price, the price per ton, increased in construction for the last six or seven years?—A. The selling price?

Q. The cost of construction and selling price both. Do you have to pay more and do you get more than you did then for your vessel?—A. I think the prices remain fairly uniform. The cost in some respects has been slightly increased, especially in regard to brass.

Q. Does labor cost you any more?—A. Yes. I think perhaps labor has gone up to some extent.

Q. Do you have to pay more for your skilled men?—A. I believe prices have increased slightly in this country.

Q. Does material cost you any more?—A. I am not sure about that, but I am under the impression it does. They are details I have not kept in touch with.

Q. You have patents on your vessels?—A. Yes sir.

Q. Many of them?—A. Yes.

Q. Who holds the title to those patents?—A. I hold the title to them.

Q. For yourself?—A. No; the various companies have certain rights to certain things.

Q. Do you calculate any charge for the patent rights for these vessels?—A. That, of course, is part of the general expenses in connection with our patents.

Q. Do you have patents now that you did not have six years ago?—A. Oh, yes; many.

Q. Do you use them in constructing and operating your vessels?—A. Yes, sir.

Q. Do you make any charge for those patents?—A. Well, not especially, it simply goes in with the general profits.

Q. It is one of the things?—A. It has cost us a great deal of money, and of course we hope to get sufficient profit to cover our expenses in that direction.

Q. In estimating the cost of a vessel do you fix any sum in the rough or in particular that is charged for the use of your patents?—A. No, no.

Q. You just get what you can out of it?—A. We are satisfied to get what is now considered a fair price for submarines per ton. We are satisfied to build them on that basis. In fact, we have taken contracts for considerable less than the usual prices.

Q. Has your tonnage price increased or decreased in the last six years?—A. Decreased.

Q. Why? Because it is cheaper to build or because you build larger vessels?—A. Of course our prices abroad, the prices have been lower because of the extensive competition over here, and in this country they have been lowered, you might say, because of competition as well. We have been trying to get business here, and consequently we thought a low price might be an inducement.

Q. You stated that you were here during the trials of last spring.—A. Yes, sir.

Q. Did you come over for the purpose of attending those trials?—A. Yes, sir.

Q. And were here at the time those trials were had?—A. Yes, sir.

Q. Where were you?—A. I was at Newport.

Q. And did the best you could to have your boat make as good a presentation as possible?—A. I had nothing to do with preparing the boat. I arrived there the day after the trials started.

Q. How long did you stay?—A. All through the trials.

Q. When did you return to Europe?—A. Immediately afterwards, within a very few days afterwards.

Q. And you were satisfied with the way the trials were conducted?—A. Entirely. You are referring to the Government method of conducting the trials?

Q. Yes.—A. I have no fault to find whatever. In fact, I considered they were eminently fair.

Q. So the fact that your boat was considered inferior by the board is something that you could reasonably expect from the whole situation?—A. The fact that the boat was a boat very much smaller and older in design, and not our latest type of boat at all, with less power in the machinery, in fact, to my mind, only one decision could be reached. When I received word that the bill, or rather the act, was passed in the way it was, I immediately cabled my people here for permision to sell the boat abroad, as I felt we had no chance under the competition.

Q. Do you know anything about the proceedings that were initiated by your counsel and others to get whatever rights you could under legislation after that test?—A. I only know that Senator Thurston prepared a brief to submit to the Attorney-General.

Q. Do you know anything about the steps that were taken by them?—A. No; I do not.

Q. Do you know Senator Bulkeley, of Connecticut?—A. I met Senator Bulkeley after I returned here this winter. That is the first time I had ever met him.

Q. Do you know Mr. Charles B. Brooker, of Ansonia?—A. No, sir.

By Mr. OLMSTED:

Q. I would like to ask you a few questions. In this prepared statement which you submitted, by whom was it prepared?—A. I prepared it.

Q. You dictated it yourself?—A. Yes, sir.

Q. To a stenographer?—A. Yes, sir. I submitted it to Senator Thurston afterwards. I do not think he changed a word.

Q. You say that the Lake Torpedo Boat Company has never authorized any person to negotiate with the Holland Torpedo Boat Company or Electric Boat Company or any other company. Have you ever authorized anybody?—A. No.

Q. Did Mr. J. C. Lake ever authorize anybody?—A. No; I am quite sure he did not. His interest in the company is not sufficient to warrant him.

Q. He was an officer of the company?—A. Yes; but as to selling out the company, he would not naturally do anything of that kind.

Q. You say, "The first time I was approached was by a Mr. Hurd."—A. Yes, sir.

Q. When was that?—A. We had the office in New York at that time. We discontinued that office I think in 1900 or 1901, it must have been previous to that.

Q. Where was it that you were approached? In this country?—A. Yes, sir. He came from abroad.

Q. He was a foreigner?—A. I don't know whether he was a foreigner.

Q. He came from abroad?—A. Yes; I understood so. Mr. Maxim was over here at that time, and he later brought Mr. Maxim in.

Q. You say, "In 1902 I was approached by a Mr. Hall."—A. Yes, sir.

Q. What is the rest of his name?—A. That is all I know. He was a Yale graduate, and that is about all I know of him, and I have forgotten his initials.

Q. Do you know his business?—A. He had a business in New York then; I have been to his place of business. He manufactured submarine lamps, and guns for yachts and yacht fittings, I think.

Q. Do you know where his place of business is?—A. I do not.

Q. How lately have you seen him?—A. I have not seen him for years.

Q. Whom did he claim to represent?—A. Some syndicate of people, he claimed—we were seeking capital at that time to build the *Protector.*

Q. Your company was seeking capital?—A. Yes, sir.

Q. And he claimed to represent somebody who could furnish it?—A. Somebody who could furnish the capital.

Q. You do not know who it was that he claimed to represent?—A. No.

Q. You say he brought a lawyer with him?—A. Yes, sir.

Q. Who was that lawyer?—A. His name I have forgotten.

Q. That was in 1902?—A. Yes, sir. I am not charging that these overtures were made on behalf of the Electric Boat Company.

Q. We are trying to find out.—A. I am simply reciting the facts as far as I know.

Q. We want to get all you know, to see who was back of these people. You say: "During this November Mr. Hall frequently visited one of our then directors."—A. Yes, sir.

Q. Who was that?—A. That was Mr. Smith.

Q. What was his first name?—A. Friend W. Smith, of Bridgeport.

Q. Is he now connected with any torpedo boat company?—A. No.

Q. What is his business?—A. He is a manufacturer of chains and Government locks, post-office; he furnishes the locks for the mail boxes, I believe.

Q. You say: "My reply to him was that I was building the *Protector* at the request of the Navy Department."—A. Yes, sir.

Q. Who requested you to build the *Protector?*—A. Practically the entire Board on Construction.

Q. Was it a written request?—A. No, sir. That came about in this way: I appeared before them and I submitted my plans to them. I prepared three sets of plans, and I had a hearing before the Board on Construction, composed at that time of Admiral O'Niel, Admiral Melville, Admiral Bowles, Admiral Bradford, and Sigsbee, and they seemed to think very favorably of the plan, and at the end of our interview they stated in substance—I remember that distinctly, because that was what caused me to organize my company and assume the great responsibility of building a war vessel from our own resources—the spokesman stated: "Mr. Lake, we have looked at your plans and discussed the matter"—I am not proposing to repeat ver-

batim now—" and we think well of it." The statement of the interview was afterwards published in the paper practically to the same effect; we can probably find that. " But," they said, " legislation has so far provided for boats of the *Holland* type specifically, and we do not think that any legislation could pass through Congress that would permit us to purchase a boat of your type or contract for a boat of your type. Now, the only thing we can say in regard to this matter is, that if you have sufficient confidence in the merits of your type of boat, and you have sufficient friends who will back you, if you will build a boat and submit it to the Navy Department, one thing we can guarantee, and that is a fair trial on its merits; and if that boat is considered of sufficient value, if we consider it of sufficient value to the country, then we can make a definite recommendation to Congress; but in view of the class of legislation which has gone through before, our hands are tied and we can not do anything."

Q. Then they said if you wanted to get a contract you better build a boat?—A. Yes; in substance, and that they would give it a fair and immediate trial on its completion.

Q. You say a little later, or shortly after your refusal to sell your controlling interest to the Brooklyn attorney, you receive a letter from an attorney of the Electric Company demanding that you immediately stop the construction of your boat. That was not with reference to a sale?—A. No. They demanded that we stop the construction of the *Protector*, which we were building to offer to the Government under the understanding which I have just recited.

Q. That related to an infringement of the patent?—A. They said that.

Q. Who was that attorney?—A. His name was Bennett. I have forgotten his initials.

Q. You say, " One of our directors, who is an older and much more experienced man than myself, saw this circular."—A. Yes, sir.

Q. And advised against consenting to it, and that your father informed you that previous to your director's seeing this circular a party had come into the office inquiring where stock could be purchased. Who was that party?—A. I don't remember. It is evidently that circular which I saw down here the other day for the first time, and it is the only one, perhaps, in existence.

Q. Who was the " older and more experienced director? "—A. Mr. L. B. Miller.

Q. He is still connected with the company?—A. Yes, sir.

Q. " The third time we were solicited to sell our business was about the time of the Newport trials." That was in 1907?—A. Yes, sir.

Q. " My attention was called to the matter by Mr. Charles R. Flint, of New York, with whom we have had business relations in regard to foreign countries." Mr. Flint was in your employ?—A. No, sir; he was not in our employ. Mr. Flint is rather a large operator and has had to do with supplying munitions of war to various governments.

Q. Has he ever transacted any business for the Lake Torpedo Boat Company?—A. Yes; in relation to foreign governments.

Q. That is what I mean.—A. Yes, sir.

Q. He has been doing business and was doing business with your company?—A. Yes, sir.

Q. And still is doing business with your company?—A. Yes; abroad.

Q. What is the name of the concern with which Mr. Flint is connected?—A. Flint & Co., I believe.

Q. Where is their office?—A. On Broad street, New York.

Q. Do they manufacture anything?—A. I do not know. They have very large offices there, and the business is mining and railroading——

Q. Do you know who the "company" is?—A. No, sir; I do not.

Q. You do not know any of the members of the "company?"—A. Yes, yes; I know Mr. Cordela and Mr. Hart O. Berg. I will state that our relations are not with Flint & Co. directly. Our direct relations are with Mr. Hart O. Berg, and Mr. Flint is identified with him in some way. One does business on one side of the ocean and one on the other.

Q. What are your relations with those two gentlemen?—A. They simply look after the selling of our boats abroad.

Q. I thought you stated one on one side of the ocean and the other on the other?—A. I am referring to Mr. Flint. I do not know exactly what their relations are.

Q. Is Mr. Flint or Mr. Berg, either or both of them, the ones who have charge of the expenditures in foreign countries or in any foreign country in securing contracts or legislation?—A. No. They are what you might call selling—simply in the sales; they do not have anything to do with our finances.

Q. Do they get a commission, or in what way are they paid?—A. They get commission in some cases, and in other cases there is a profit sharing.

Q. By whom are their expenses paid?—A. They pay their own expenses.

Q. The commissions, then, are supposed to be large enough to cover thier expenses?—A. Yes. They sell all sorts of things. Mr. Flint was the representative of the Russian Government in the recent war, and he furnished—I am told he furnished the Brazilian Government with a navy. I believe he represented our Government during the Spanish-American war and expended a very large amount of money for this Government.

Q. They are still in your employ in that way?—A. We still have an arrangement with them, as far as Europe is concerned.

Q. Have you ever known them to represent the Electric Boat Company in any way?—A. I do not know; although they may have done so.

Q. As far as you know?—A. Their business, as I take it, is to sell goods——

Q. Did you ever know of their representing the Electric Boat Company?—A. I never knew of it.

Q. You say, "I believe Mr. Flint mentioned something of this matter to one of our other directors." Who was the other director?—A. That was Mr. Miller.

Q. Then you say, "The next I heard about an offer by the Electric Boat Company to buy out the Lake company was several days ago." Can you give us the date of that?—A. It was several days previous to my preparing this, which has been prepared—I prepared it immediately after Mr. Rice gave his testimony.

Q. But if you do not know the date when you prepared it, give us the other date.—A. Mr. Rice said, I think, the 25th of March.

Q. Does that correspond with your recollection?—A. Approximately so.

Q. You say here again, "He said I believe that this proposition had been made to him by a man named Browne." Who is Browne?—A. I do not know anything about him. I never met him.

Q. Did you ever have any correspondence with him?—A. Never.

Q. Never have met him?—A. I never have met him.

Q. Have you seen him?—A. I never have seen him to my knowledge.

Q. You say further, "I told him I didn't believe they had a million dollars in hand, as I had and still have some of their notes which they have renewed, and of which their attorneys knew." Do you mean you had some notes of the Electric Boat Company?—A. Yes, sir.

Q. To what amount?—A. Five thousand dollars; two notes of $2,500 each.

Q. How did you come to have them?—A. I think I prefer our attorneys to answer the question.

Mr. THURSTON. I can tell you about it, if the committee desire. I will just tell the committee confidentially here.

* * * * * * *

Q. The notes then were not in payment on account of purchase money or anything of that kind?—A. Oh, no. I simply mentioned that to confirm my belief that I did not think they could raise a million dollars. They renewed one of those notes after they knew it was in my possession, and I do not believe they would do that——

Q. You say, "The following day I returned to Bridgeport, and a day or two later I received a telephone message from Mr. Flint that they had been after him again." Who do you mean by "they?"—A. I presume he referred to the Electric Boat Company. At least I so interpreted it.

Q. Then you were not present at any interview with Mr. Rice or any other officer of the Electric Boat Company?—A. No. I should never have mentioned this at all, except Mr. Rice volunteered that information, and I felt it proper to our interests to give my understanding of it.

Q. What he said, however, seems to correspond with what you say to this extent, that there were some conferences in which the sale or purchase or amalgamation was discussed.—A. As far as I know, there was; yes. Mr. Flint is the only man that I met in the matter.

Q. Have you any objection to stating now who is the largest stockholder in the Lake Boat Company?—A. Myself.

Q. Do you own a controlling interest?—A. Yes, sir.

Q. In your own right, or do you hold it for other people?—A. In my own right.

Q. It takes considerable money to build boats?—A. Yes, sir.

Q. Do you mind stating who are your principal financial backers?—A. We have not any principal financial backers at the present time. We have been fortunate enough in making money enough, and we do not require any backing.

Q. You, or the company, are able to carry out your contracts without assistance?—A. We have been so far.

Q. What dividends does the company pay?—A. We have paid dividends of 20 per cent in the aggregate.

Q. Annually?—A. No, no.

Q. You mean altogether.—A. Altogether we have paid dividends to date 20 per cent.

Q. On how much capital stock?—A. Part of it was on $1,000,000 and part of it was on $2,000,000 capital.

By the CHAIRMAN:

Q. Do you think of anything else that you can suggest that would aid this committee in this investigation?—A. No; I do not.

By Mr. HOWARD:

Q. What foreign governments have you made contracts with?—A. Russia, Austria.

Q. In dealing with those Governments do you deal with executive branches of the Governments or the legislative branch?—A. With the executive branch entirely. I have not met, in any of my conferences with the Governments—I have never met any legislators in any of those Governments.

Q. You have not aproached the Douma of Russia?—A. No. All of my dealings have been with the technical head of the navy department.

Q. Isn't it true that those Governments deal in matters of this sort, connected with their Admiralty, through the executive branches of their Government, without reference to any legislative action?—A. As far as I am aware, they do.

Q. Have you ever had occasion to compare the naval strength of the different principal powers?—A. No; I can not say that I have. In general way, of course, I know that England is the largest. I am inclined to think we are second. In that relation Germany, France, Italy, Austria are the principal countries.

Q. Is it your present opinion that in naval strength the United States ranks second to Great Britain?—A. I do not feel that I am qualified to answer that question.

Q. Do you think we rank third?—A. I do not think I would care to give any expression of opinion. You are speaking now of the naval strength of the country as a whole?

Q. Yes.—A. I do not feel qualified to give an opinion.

Q. Would we rank in the class of the first five in naval power?—A. According to my recollection of the position which the United States holds, we would rank second or third—that is, according to the tables I have seen.

Q. You have been making some study of this question?—A. Not as applied to the naval strength as a whole. As applied to submarines, I have. That is my particular branch.

Q. Would you be reasonably safe in saying we were in the class of five first naval powers of the world?—A. I should think so, from the reports which I have seen.

Q. Do you know whether, as a matter of fact, the British Government in building submarines does it through its Admiralty office?—A. Yes, sir.

Q. And not as a matter of legislation by Parliament?—A. Yes; it does it through its Admiralty. As I understand, they have entire charge of their shipbuilding.

Q. Do you know what the custom is in Germany?—A. I have had various interviews with some of the naval authorities of Germany. I have never met any of the legislators——

Q. The best information you have.—A. I am inclined to think it is with their Admiralty.

Q. How is it with France?—A. I am not sure.

Q. How is it with Italy?—A. In Italy I have had interviews there with the authorities, and the only people I met there were the technical officers in charge, under which the submarine construction would come, their ministers of marine, or some of their chief officers in the marine department.

Q. France is developing her own submarines with her own naval resources for construction?—A. Yes; they are building entirely at their own shipyards, I believe.

Q. Which of these Governments has the largest submarine flotillas?—A. France.

Q. Which next?—A. England.

Q. Which the third?—A. Russia.

Q. Which fourth?—A. I think Italy.

Q. Which fifth?—A. I am inclined to think that Germany, perhaps, would rank fifth.

Q. Which sixth?—A. Then there is Sweden has one, Holland has one boat.

Mr. OLMSTED. Is that a Holland boat?

A. Yes, sir. And I think Austria has one boat of the old type. Austria is building several boats, but I do not think any of them are in condition yet. There will probably be several in commission this year.

Q. Then your information is that the United States as a power—— A. I was not considering the United States. I was simply referring to European countries.

Q. I wish you would make the comparison with reference to the United States.—A. I should say France, England, Russia, and, I think, perhaps, the United States would range fourth in submarines.

Q. So that from your experience in these matters those governments constructing submarines by the initiative of their admiralties have built more boats than the United States where the initiative is taken by Congress?—A. Yes. I think they have recognized the value of the submarines over there; I think they consider it a more serious question than we do in this country.

Q. If, then, there have been employed any evil influences to induce the Government to build submarines, they have made greater headway in governments without popular representation in inaugurating the system than in a government having a popular representation?—A. Yes. I am a believer in submarines.

By Mr. OLMSTED:

Q. What is your view of the submarine torpedo boat as an adjunct of the Navy?—A. I believe it is the most important weapon in existence for both defensive and offensive purposes.

Q. How many submarine torpedo boats do you think the United States should have, considering its extensive coast to be defended?—A. I think the United States should have sufficient submarines detailed to each one of its important harbors to prevent a blockade of

those harbors, and in addition to that, I think that the United States should have sufficient boats of the larger type, of the cruiser type, that if we are unfortunate enough to get into a war with another country that we would be able to carry the war into the enemy's country by the means of submarines.

Q. About how many submarines would that require us to purchase?—A. I should not make any estimate of that. I think that is proper for the naval authorities.

Q. But you can compute the number of ports.—A. By giving it some attention and consideration I undoubtedly could. I have not done so.

Q. To comply with your thought, it would take at least one hundred, wouldn't it, to defend all the harbors on the Pacific and Atlantic coasts?—A. I believe one hundred submarines of the most up-to-date type would afford a very excellent defense. I do not believe any foreign country would dare to send or attempt an invasion of the United States with a hundred submarines distributed on our coast line.

Q. Did you have an interview with Representative Kahn, of California?—A. No, sir; he was referring to my father.

Q. You have already stated or made a statement from which we drew the conclusion that the British Admiralty and its equivalent in other foreign governments is more susceptible to influence than the Congress of the United States.—A. No; I do not imply that. I think that they arrive at their conclusions in a more practical way. The British Government and all other governments that I am aware of investigate rather than jump at conclusions at to the value of these various vessels. I think they work their submarines more there than they have done in this country.

Q. Maybe the Admiralty has worked more than it does here?—A. I do not care to express an opinion in that respect.

Q. We have noticed that it seems to be considered desirable, both on the part of the Electric Boat Company and your own company, to recruit its officers and agents from time to time from the Navy Department. Does the same rule apply in England or any of these other foreign countries?—A. Vickers-Maxim Company, their man is a Lieutenant Dawson, a submarine expert, I believe, and I think that he came from the service.

Q. Do any of your men come from the service of any of these Governments?—A. We have one—do you mean abroad?

Q. Yes.—A. No.

Q. You were about to say you had one?—A. We have one in this country who was formerly in the service.

Q. You mentioned him this morning?—A. No.

Q. Who is the one to which you refer?—A. Mr. Schofield, formerly a lieutenant.

Q. What is he doing now?—A. He is now in command of the *Lake*.

Q. He was formerly in the United States Navy?—A. Yes, sir.

Q. And left the Navy to accept a position with you?—A. Yes, sir. In regard to the British navy, I would say that they have been, up until very recently, committed to one type of boat. They have had a secret arrangement in existence for some years, so I am informed and I believe credibly, by means of which they were com-

pelled for a certain term of years to buy their boats from Vickers-Maxim. France, which has made the greatest progress in the development of the submarine, has been free to secure the best talent the country produced. Russia, owing to their needs in the recent war with Japan, made a more thorough investigation of all the types. They had at one time six different types—six or seven different types—and they carried on extensive experiments with all of those different types of vessels.

Q. You mention, I think, in your written statement that one reason you did not sell out or entertain a proposition to sell out was owing to the fact that you were an inventor of your torpedo boat, and that it was your ambition to protect your own country, or something to that effect.—A. I think that statement was that I was anxious to remain identified with the submarine until it took its place, which I was satisfied it eventually would take, in naval affairs, substantially to that effect.

Q. I was simply going to inquire if you are particularly protecting this country by selling to foreign governments?—A. I will say at that time it was this: When I first presented my plans to this Government, in 1893, as a young chap my ambition at that time was to become recognized as the inventor of an important means of coast defense, and I hoped that I might be recognized to the extent of being taken into the service.

Q. As I understand it now, none of the American torpedo-boat companies hesitate to sell their torpedo boats abroad?—A. Not at the present time.

Q. I am asked by Mr. Lilley to ask you these questions: "Are your boats as expensive to build as the *Octopus* type?"—A. I think more so.

Q. "Can you build seven boats much less per ton than you can build only one boat?"—A. Of course.

Q. Of course you could?—A. Yes, sir.

Q. "Would you take a contract for seven boats at $745 per ton to equal the *Octopus* in efficiency?"—A. If I could not get more I should try to take it, I think, at $745 a ton. I think submarines are worth more than that per ton in view of the fact—in all cases I would state that I started my first plans and experiments in 1883, and spent practically my entire life in the development of the submarine boat. In the earlier times of submarine experimentation things were rather hard. One had to run the risk of life, and I was exposed to all sorts of hardships; and I think that we are entitled to more than an ordinary manufacturer's profit, because of the long years it has taken to develop these and the great amount of money expended, for we have expended in these, I suppose, in our efforts to get recognition, perhaps several hundred thousand dollars.

Q. Then your thought is, if a 6 per cent or 10 per cent would be a fair manufacturer's profit on engines, or something that is a standard article of trade, over and above the cost, you would be entitled to more than that on account of your patents and the money you have expended in experimenting and in bringing them up to efficiency?—A. Yes, I think we are entitled to more than 10 per cent. You can readily see for this 10 per cent it would require a great many millions of dollars' worth of orders to get back the money we have already expended.

Q. In experiments?—A. In the development of the submarine before we could get any ultimate profit.

Q. I am going to ask one question which has no particular bearing in this investigation. You have mentioned originally that there was a risk of life. I think I have seen in the print that chickens and other animals were in the early times sent down in the torpedo boats, and even the other day I heard two or three gentlemen say that they labored under the impression that when a torpedo boat dives and discharges a torpedo that that is the end of the torpedo boat, and anybody in it would be drowned or sacrifice his life. Is that the fact?—A. Oh, no, no, no. The torpedo boat has a Whitehead torpedo, which travels some distance from the ship from which it is fired before it explodes, if it strikes the target, and the commander of a submarine would be very foolish to fire his torpedo if he was within the danger zone of the torpedo.

Q. Then the danger to the persons in the submarine torpedo boat naturally is not from the explosion of the torpedo?—A. No.

Q. But if there is any danger now, it would be from some accident which would prevent the submarine boat from coming to the surface?—A. Yes; I should say that was the principal danger. Or it might be a collision with a surface vessel or, perhaps, with another submarine. That has occurred.

Q. But the danger does not arise from the discharge of the torpedo?—A. No.

Q. Mr. Lilley submits also this question: "Would you take a contract for 7 boats at $745 per ton rather than lose the business?"—A. Naturally, yes. Half a loaf is better than no bread.

Q. You think, then, to pay $1,490 a ton would be a loaf?—A. Well, I would be very glad to take them for considerable less than that. We have never received anything like that, even for our boats abroad, where we had to build them in this country, rebuild them, and then rebuild them again.

Q. What is the highest you have received for the best type of boat?—A. We have received about a thousand dollars a ton.

Q. From what government?—A. The Russian Government.

Q. How does that compare with the price you are to receive for the boats you are now under contract to build for the United States?—A. We will receive something less than $900 a ton. We receive just $900 a ton, counting the interest as being a portion of the receipts, but the interest should be deducted, which would make it somewhat less than $900.

Q. And you thought you ought to get $75,000 more?—A. In view of the fact that we were building it entirely at our own responsibility, and so forth, we felt that we should get $75,000 more, yes. The Government stands no risk whatever.

By Mr. STEVENS:

Q. In what respect is the pending legislation unsatisfactory to you?—A. It does not give us a chance to offer bids.

Q. That is, with the restriction confining the type to the *Octopus* type, or the best type owned by the Government, it would prevent your coming within the terms of the legislation?—A. Yes; we could not possibly, according to my interpretation of that, submit a bid.

If I was a member of the technical staff of the Navy Department I should say that means Electric Boat Company's boats and nothing else.

Q. So that what you object to is the restriction?—A. Yes, sir. I object to the fact that here we have expended and made it our life work, and have expended hundreds of thousands of dollars, and have now made a contract to build a boat entirely on our own responsibility and risk, and we are cut out, and the Navy Department is deprived and the Government deprived of getting the best which the country can produce.

Q. Do you object to the number of boats that are provided or the amount of the appropriation that is provided?—A. No.

Q. You think that is all right?—A. Well, I claim to be a business man, and if I could get a share of it I would not object, but I would like to have a little chance. I do not object to high prices—or good prices, I should say, rather.

Q. But you think that the number of boats that might be constructed out of the appropriation is a number that would be for the advantage of the country for its defensive and offensive military and naval operations?—A. I believe that the submarine boat is the proper means of defense.

Q. So that so far as the number that would be concerned in this appropriation, you think it is one that is for the public interest?—A. Yes, yes; I should not think that an unreasonable number of submarines.

Q. From your experience you think that number would be needed by this Government?—A. Yes, sir.

Q. In its naval operations?—A. Yes, sir; because many of the boats are now out of date which they have, and even eight, while I should say that practically all of the boats built previous to the *Octopus* are now out of date——

Q. By out of date you mean that much better ones can be provided?—A. Yes, sir.

Q. You mean by out of date that they should not be put in commission?—A. Well, I doubt if they would be—as purely harbor defense craft they might be of some value, but I do not believe future wars will be fought very close to harbors. I think we need more efficient craft, that can meet the enemy away from our harbors and seacoast cities.

Q. Can you estimate about how long one of those boats would be in date, how long it would be regarded as a fairly up-to-date vessel?—A. Well, from what I have seen of the boats previous to the *Octopus*, and what I have learned through the various reports, I should say that, in my opinion, they would be of very little use to-day in actual work. The *Octopus* is a very much improved boat from the previous *Adder* class.

Q. There are about twelve of them, I understand, owned by the Government?—A. I think that perhaps includes the last lot. I think there are eight that I am referring to that I have considered out of date.

Q. That is, the first eight purchased by the Government you would consider out of date?—A. Yes, sir.

Q. Do other governments have the same sort of craft that would be out of date?—A. Yes; England has some boats of practically the same type—that is, practically the *Adder* class.

Q. What does England and France and those countries do that believe in submarines and construct submarines? Do they replace their out-of-date craft by up-to-date craft?—A. They are increasing their submarine programme all the time; increasing the number every year.

Q. Just one or two more questions on this matter you spoke of in connection with Mr. Flint. Mr. Flint came to you first?—A. Yes, sir.

Q. As I recall that paper, he has had three different interviews with you recently in one way or another, personally or by telephone?—A. I don't recollect the exact number. I stated them in their sequence; if it is three that is right.

Q. Did you seek him for any one of these interviews?—A. No.

Q. He sought you for all of these interviews?—A. In every instance.

Q. Did you bring up this question of stopping this investigation with him?—A. No.

Q. He brought it up with you?—A. He mentioned it in this way—I have stated it there—that they, referring, I presume, to Mr. Rice and Frost, that they thought we had something to do witih it, and Mr. Flint is a business man, and he replied, "There is no use telling them that."

Q. Did Mr. Flint tell you that that was their notion?—A. He told me, or he said—he first called me up and he said, "They want peace and plenty of it." Then he thought he was talking with me at Bridgeport at that time. He thought I was at Bridgeport. Then he came up and saw me. He found I was at the Engineers' Club.

Q. And he saw you there and talked this over?—A. Yes, sir.

Q. Did he tell you he had come from the Electric Boat Company to submit the proposition?—A. No, no; he said Browne—in fact, I am quite sure he had not seen either Mr. Rice or Mr. Frost at that time. As I understood, he said this man Browne came to him from them.

Q. He told you that this man Browne came to him from them?—A. Yes, sir.

Q. Did he give Browne's name?—A. Yes, sir.

Q. Hugh Grant Browne?—A. Yes; Hugh Grant Browne.

Q. Did he state there was any authority from the Electric Boat Company to submit this proposition?—A. No; but I took it if Mr. Frost and Mr. Rice were there waiting for his decision, whether he would meet them at the Gilsey House or somewhere else, that it must have been with their authority.

Q. Did they want you, as a condition to that, to use your influence to stop this investigation?—A. I won't say that they wanted me to.

Q. Did Mr. Flint at any time in the process of these conversations ask you or intimate to you that it would be a part of your duty to have Senator Bulkeley or anybody else?—A. No; Senator Bulkeley's name never was mentioned, as far as I am aware.

Q. Or by you to Mr. Flint?—A. No, sir.

Q. Did you ever have an interview with Mr. Browne?—A. Never.

Q. Did you ever have an interview with Mr. Berg concerning these negotiations?—A. No. Mr. Berg, I think, was present; but of

course he has nothing to do with the American business at all, and he simply listened to what Mr. Flint had to say.

Q. At which one of these interviews was he present?—A. He came up, I think, in the afternoon with Mr. Flint.

Q. At the last interview you had?—A. I think at the last interview.

Q. Did he take any part in this?—A. I do not recollect that he did.

Q. Did you express to these gentlemen at that time, Mr. Flint or Mr. Berg or any of them, that you had nothing to do with this investigation?—A. Yes; I told Mr. Flint distinctly that I had nothing to do with it.

Q. Did you express to him any regret that you had that this investigation was started and under way?—A. No; I do not think I did. I do not know why I should.

Q. You said nothing to them about it?—A. I don't think I did.

Q. Have you expressed any such sentiment to any of the Connecticut delegation?—A. Of regret?

Q. Yes.—A. I have not discussed the matter with any of the Connecticut delegation.

Q. Have you talked with Senator Bulkeley about it?—A. I have not seen Senator Bulkeley since the investigation started.

Q. Did not you say in your examination earlier that you did have a regret that this investigation had started?—A. Yes; but I did not so express it to Mr. Flint.

Q. To whom did you express it?—A. Well, I don't recollect who I expressed it to I had a regret; I stated, I think, in this connection that we had decided on a propaganda by means of which we hoped to bring to the attention of Members of Congress the fact that all important governments had now finally adopted practically as a standard the type which I first submitted to this Government fifteen years ago, and that we had started that line to inform them of that fact. Of course, naturally, we wanted submarine legislation, but we wanted submarine legislation that would permit us to bid and with a chance of securing contracts, providing we were able to meet the Department requirements, which we knew we were.

Q. Then you do not recollect to whom you expressed your regret?—A. No; I do not. I think very likely in a general way—I am inclined to think I have expressed it to Senator Thurston and to all the people with whom I am associated.

Q. Do you recall whether or not you have expressed that sentiment to them?—A. Yes; I have.

Q. And that represents your sentiment in regard to this investigation?—A. Yes. I myself consider it a most unfortunate affair for the submarine business. We thought when we took this contract that that was a guaranty on our part that we would be able to meet the conditions or any conditions which the Department might set up, and that being the case, as we were successful builders of submarine boats abroad, and in this country as well, because in the recent trial of our boat she performed very satisfactorily, so satisfactorily that the commander or captain of one of the Holland boats who was aboard said that it was phenominal——

Q. That it met the tests of the previous trial?—A. No——

Q. The trial you had in March?—A. Yes, sir.

Q. And that the tests on the trial in March were equal to the test in May?—A. No; this was the captain of the *Porpoise* or *Shark* that was up there to assist the trial board, and during the trial he requested the board to allow one of their officers to try and see how they could navigate the boat, and they appointed one of those lieutenants, and he steered the boat for a number of minutes, and during that time, while he was in the conning tower, where he could not see what was going on down below, in the presence of the board I had two men move from one end of the boat, forward and back again, which would tend to disturb the trim of the boat, and this officer in the conning tower, without knowing that these men were moving, maintained his depth during the period of several minutes within 6 inches, I think the report states.

Q. The point is that the general points of excellence that you maintained in that test were the average points of excellence that were required for tests of last May?—A. As far as we were concerned they were very superior. Our boat did not function as she should have functioned in the trials of last May; they were not at all satisfactory to me.

Q. Did you equal the points of excellence that the *Octopus* maintained at that time?—A. In respect to maintaining the depth and control of the boat, running in a submerged condition, I think it was far superior to the *Octopus* performance.

Q. But you are satisfied that the sale of your type of boat would be improved by not having any such controversy as this?—A. Most assuredly. It tends to discourage the whole submarine situation to my mind.

By Mr. OLMSTED:

Q. Mr. Lake, I want to ask you two or three questions. You may have been questioned concerning these affidavits when I was not here, but on Friday, the 3d of April, Representative Lilley laid on the committee's table two affidavits, and on the same day multiple copies were given by somebody to the newspapers. The first is an affidavit of Sam Ferguson. Do you know Sam Ferguson?—A. Yes.

Q. Where is he?—A. He is in Bridgeport.

Q. Do you know how it happened that he preferred to make an affidavit?—A. I caused him to make an affidavit.

Q. In what way did you cause him to make it?—A. He told me a story about when he was employed on the Government boats, submarine boats. He has been employed on a number of them, I believe, as a Government noncommissioned officer.

Q. Where is he employed now?—A. He is employed with us at the present time.

Q. He is in your employment?—A. He is in our employ at the present time. He is the electrician of our boats, and he recited to me the fact that it was common for men who were being paid by the United States Government to work on the Holland boats before they were turned over to the United States Government, and that he himself had worked on the *Fulton*, and that a number of others had when she was being prepared to enter into competition against the *Protector;* and I considered that while we would be willing to enter into competition against a private company, we could not enter into competition against the United States Government, and if they were sup-

plying our competitors with men to do the labor that that was hardly a fair competition. For that reason I requested him to make affidavit to that effect.

Q. You put a stop to that by employing the man yourself?—A. But when I employed him the Government did not pay him anything.

Q. What did he say he had done on the torpedo boats?—A. He is an electrician and he worked, as he informed me—my recollection is that he worked on installing the battery in the *Fulton*.

Q. Is he particularly expert?—A. Why, I think so. One of the naval officers told me that he considered him one of the best men they had in the service, and that he was very sorry for him to leave. He has excellent recommendations from Admiral Dewey and various other officers.

Q. What advantage would it be to the Holland Company to employ him over any other electrician that they might employ?—A. Well, it would save them so much a day, as I took it. The Government paid the wages of the man.

Q. I understand that the Electric Boat Company paid him.—A. No; they did not pay him anything. He worked on the boats; he said that he never received any money from them, but others did.

Q. That was the story he told you?—A. Yes, sir.

Q. I call your attention to the fact that it is different from the story that he swore to in the affidavit. He said he received wages from the Holland Torpedo Boat Company or the Electric Boat Company?—A. Does he state that he received wages?

Q. Yes.—A. I did not so understand it.

Q. He said in the affidavit which you say you caused him to make?—A. I did not so understand it.

Q. He says, speaking of the crews and sailors, they received their pay as members of such service and in addition thereto received wages from the Holland Torpedo Boat Company or the Electric Boat Company, that they performed the full service in their individual capacity, so that it was not necessary for the Holland Torpedo Boat Company or the Electric Torpedo Boat Company to employ men to perform services performed by said sailors. This seemed to refer to sailors and not to himself. Did he tell you who those sailors were?—A. He mentioned some names, yes; and told me that he had worked himself on the *Fulton*. I simply asked him to make that because it was where they had an advantage in competition with us. I do not express any opinion. I know abroad we frequently paid sailors in the Government to help us out in our work.

Q. Who prepared that affidavit?—A. Mr. Foster, I think. I sent him up to Mr. Foster's office and told him to make a statement there.

Q. Why did you not cause him to come down here where he could be examined and cross-examined?—A. I did not know that the committee would want to see him, and I assumed that the affidavit would be admitted as evidence; I so understood.

Q. How did you understand that, from whom?—A. I think Mr. Foster told me an affidavit was always considered as evidence.

Q. Would Mr. Foster practice in that manner in his court?—A. I do not know; he is judge of that court. Law customs I do not know anything about.

Q. I am pretty sure you did not get that from your Washington counsel.—A. No.

Q. Well, now when this affidavit was made before Mr. Foster what was done with it?—A. Well, now I do not know; perhaps if you will permit me to see it I may then recollect. I do not remember whether I saw it before. [Affidavit handed to witness.] Yes; I have seen it. I think I sent that down to Mr. Neff.

Q. When?—A. I can not tell you the date. I have a copy of it; I remember I have a copy of it in my desk in Bridgeport.

Q. This is not so long ago, March 12, less than a month.—A. You can not prove anything by me as to dates. I can remember facts pretty well, but not as to dates.

Q. I would like to get the fact as to when you sent it.—A. That I can not say. I presume Mr. Neff can tell.

Q. How did you send it?—A. I am inclined to think by mail.

Q. Accompanied by any copies?—A. No; I have a copy in my office.

Q. What did you expect Mr. Neff to do with it?—A. I expected him to give it to Mr. Lilley. I think I expected him first, perhaps I informed him, to show it to the Senator. I do not know whether I did or not.

Senator THURSTON. I can say to the committee that I told Mr. Neff that any facts that came to the attention of our people that could be verified by affidavit ought to be so verified and the affidavit submitted to this committee as the basis for their action in subpœnaing the witnesses.

Mr. OLMSTED. That was proper advice. You did not advise them to be published in the newspapers first?

Senator THURSTON. I did not know anything about that.

Q. Did you send any copies along with the original?—A. No.

Q. Now this affidavit made by J. C. Lake; were you present when that was made?—A. I do not think I was present when the affidavit was made.

Q. When did it come into your hands?—A. I am inclined to think that Mr.—well, I don't know how it came in my hands. I remember the circumstance how the affidavit was made. I remember the facts in connection with that. Father came up to say good-by to me when starting on this voyage, and in the general discussion regarding the matter I am inclined to think some testimony had been published in reference to Mr. Ferry, and then he recited to me the circumstances of his going to see Mr. Ferry himself. I never knew of it before, and he told me he went there at the suggestion of Mr. Ennis and I and another one of our directors, Captain Wallace, and my father, and I said we will go around and see Mr. Ennis and see what his recollection is in regard to this. He told me the story substantially, I presume, as is in the affidavit. The story he told me was, in substance, to this effect, that he had learned that the Bridgeport Brass Company, or that their representative, Mr. Ferry, was trying to bring influence to get our Member of Congress, who was our legitimate Representative if we lost our representative here—it seemed to me that anyone who is without some one to represent them here is pretty bad off—that he was trying to bring influence to get our Representative to cease work in our behalf.

Q. Whom do you mean by "our Representative?"—A. Mr. Hill.

Q. He does not live at Bridgeport.—A. He does not live at Bridgeport, but Bridgeport is in his district, and, of course, if I wanted to appear before the committee or if we had any bills that we wanted

to submit or anything of that kind, Mr. Hill is our proper person to represent us; I so understand.

Q. I understood from Mr. Lilley—he may have made a mistake—that Mr. Sperry represented the district in which Bridgeport was in.—A. No; Mr. Hill represented the district in which Bridgeport was in. And father said that at Mr. Ennis's suggestion he went over to see Mr. Ferry as to why he was doing this. Mr. Ferry told him a story, his excuse—he put it in the way of an excuse—that they supplied large quantities of material to the Fore River Shipbuilding Company and that he knew Admiral Bowles and that he was a very fine man, and all of that kind of thing, and that it was at his suggestion that he tried to get Mr. Hill to be less active in our interest, who were his constituents. Father thought that it was not right for one manufacturer in a city to try to derive an advantage for himself, a comparatively small advantage, for himself, at the great detriment to another Bridgeport enterprise, and, as I understand it, Mr. Ferry tried to excuse himself for taking that action on the ground that it was at Mr. Bowles's suggestion.

Q. You say, then, that the affidavit was made in consequence of some testimony which Mr. Ferry had given?—A. There was some mention; I think mention of Mr. Ferry had been made in the papers, and father recited to me the fact that he had seen Ferry and Ferry told him, in substance, Mr. Bowles said—well, this is the way he expressed it, "Pull Mr. Hill off and we will be able to give you orders for about $100,000 worth of material."

Q. Pull what off?—A. Mr. Hill; cause him to be less active in advocating the interests of the Lake Torpedo Boat Company.

Q. Did he pull him off?—A. I do not imagine he did. I do not think so, because I do not imagine Mr. Hill is the kind of a man that would be affected by any expression except that which would be to the advantage of the Government.

Q. We have no reason to think he would.—A. Mr. Hill has always taken the position that it would be best for the Government to have open competition so that it could purchase what would be best. I do not believe that a consideration such as mentioned would have a particle of influence with him.

Q. Then this affidavit was prepared rather in response to the statement which Mr. Ferry had made, or in answer?—A. Yes; as I understand it, Mr. Ferry excused himself. Mr. Ferry, I believe, admitted to my father that he had written a letter to Mr. Hill and asked Mr. Ennis to go down and see Mr. Hill.

Q. This affidavit was made to counteract or deny the testimony which Mr. Ferry had given?—A. Oh, that affidavit was made before Mr. Ferry gave his testimony.

Q. And what was done with it when it was made?—A. I sent it down here to Mr. Neff.

Q. Immediately?—A. I am inclined to think so.

Q. So far as you recollect.—A. So far as I recall, I imagine I sent it down here.

Q. By mail?—A. I think so. I think I must have sent it by mail. What is the date of it? Yes; I did not come down here myself until April 1.

Q. Did you send it with a letter?—A. I am not sure about that. (Referring to Mr. Neff.)

Mr. NEFF. I do not recollect of receiving a letter.

Q. If you did not send a letter with it you assumed that Mr. Neff would know what to do with it?—A. Yes; I had reason; I know Mr. Neff several days after the investigation started—I think Mr. Neff wrote me suggesting if we had any information, anything of that kind that would assist in this investigation, it was proper to give it, and it was with that in view that I secured those affidavits.

Q. When was it that you wrote that letter?—A. That was some days after the investigation had started; I can not give you a date.

Q. You preserved a copy of the letter, I have no doubt?—A. I presume I very likely have a copy in Bridgeport.

Q. Will you let us have it?—A. Yes, sir; if I can find it.

Q. Have you the letter from Mr. Neff stating that affidavits should be made? Will you let us have that letter?—A. If I can find it I will.

Q. You preserve your correspondence?—A. I presume so. Much of it I carried around. I haven't any office hardly; I came over here temporarily.

Q. This is very recent, two or three weeks?—A. Yes; I presume that is at Bridgeport.

Q. Did Mr. Neff suggest particularly an affidavit on this point?—A. No; Mr. Neff knew nothing about that. I did not know anything about it until the morning that father came there.

Q. Then you sent it to Mr. Neff to be handed to whom?—A. I think my general instructions were that he should confer with the Senator in regard to everything. I presumed he would refer it to the Senator, and if the Senator thought it advisable to go in, he would hand it to Mr. Lilley.

Q. And Mr. C. E. Adams made an affidavit?—A. Yes.

Q. That was sent to Mr. Neff in the same way?—A. I think so; I am inclined to think so. I remember the subject of the affidavit.

Q. This was for the same purpose, to be handed to Mr. Lilley?—A. Yes; the story that he told me I think perhaps was something about the same.

Q. That was an affidavit about Mr. Archibald?—A. About Mr. Archibald.

Q. Do you know Mr. Archibald?—A. No.

Q. Do you know where he lives?—A. No.

Q. Do you know in whose employ he is?—A. No.

Q. How did you ever hear of him?—A. Mr. Adams told me about him. My attention had been called to the fact that there were a number of petitions from the chambers of commerce coming in from the Pacific coast, and I asked Mr. Neff to get copies of those petitions. This was some time before the investigation started, and I noticed the petitions seemed to be very much alike, and I assumed that they were all of one mind, and I further assumed that the Electric Boat Company, in all probability, had some agents out on the Pacific coast who were working up sentiment for submarines, which I would not have objected to, but I did object to the wording of those petitions, which indicated that a sentiment was being created for submarines exclusively with the Holland Company.

Q. You did not think then there was any impropriety in their circulating petitions and working up sentiment in favor of submarines generally?—A. No; but I considered that our business interests were

being injured by their working up a favorable opinion for exclusive legislation, which this seemed to indicate was being done, and I recited my suspicions, I think, in the presence of Mr. Adams, and he said this about Mr. Archibald, who had been in our office here in Washington, and we knew—I don't say we knew—but we were satisfied, from some of the articles which Mr. Archibald had published over his signature, that they were being published in the interest of exclusive legislation for the Electric Boat Company, and I believe Mr. Archibald admitted in the presence of Mr. Adams that he wrote those articles and made some criticism of the Lake boat at the suggestion of Mr. Spear, of the Lake Boat Company. I did not consider that fair competition, and I suggested to Mr. Adams that he put in an affidavit stating the facts.

Q. You did not think that was fair competition?—A. No.

Q. Is there any particular difference in point of fairness between one company circulating petitions or publishing articles favorable to their own interests, the Electric Boat Company, if you please, or Mr. Archibald, who does not seem to be connected as yet with the Electric Boat Company; but assuming that he was, is there more impropriety in his doing that kind of thing in the interest of the Electric Boat Company than there would be in Mr. Skerrett writing articles in favor of the Lake Boat Company and against the Electric Boat Company?—A. That depends entirely upon whether Mr. Archibald was known to be employed by the Electric Boat Company. As I understood it, he came to our office representing as being an employee of Collier's Magazine. I do not think there is any impropriety in any company securing the services of any men that they may see fit, unless those men are identified with some public concern like newspapers, which are supposed to give unbiased information.

Q. Then this affidavit of Mr. Archibald's was prepared and sent to Mr. Neff to be handed to Mr. Lilley and by him to this committee for the purpose of improving the condition of the Lake Boat Company in the matter?—A. My object was to prove that this demand for boats exclusively of the *Holland* type were demands created by some one working in the interest of the Electric Boat Company, rather than spontaneous demand which arose because of the fear of Japan.

Q. You had no objection to the operation of the fear of Japan in increasing the number of submarine boats as a general proposition?—A. No; not as a general proposition; no.

Q. Did you send any multiple copies of this affidavit of Clement E. Adams to be published in the newspaper?—A. No.

Q. But Mr. J. C. Lake made these affidavits. Why did you not suggest to him to come down here and to give us the benefit of all the knowledge he had on the subject?—A. That was the same thing, as far as he told me, that affected the Electric Boat Company in any way, and as I have already said. I understood from Mr. Foster that putting it in the form of an affidavit, that is practically all he could say, and as he had been ordered away on a sea voyage, I did not assume——

Q. Had he at that time made his plans for going to sea?—A. Yes.

Q. And he secured these accommodations?—A. It was at that time that he told me he was going. I remember the circumstances now. He had been to the steamship office the night before, and it

was too late for him to get his reservation, and he was going back the next day. He had left my mother, I think, at the Hotel Belmont. I remember I went to a dinner party that same evening and went in a few minutes at the Belmont to say good-by to my mother.

By Mr. HOWARD:

Q. Mr. Lake, speaking about submarines, the earlier ones that were built, which you say are out of date, do you mean by that that they are no longer serviceable, or less serviceable?—A. I should say less serviceable.

Q. That is what you mean by out of date?—A. Yes, sir. For harbor defense they might be of considerable value if the boats got that far up.

By Mr. STEVENS:

Q. Mr. Lake, as a business proposition, if you had won in the test a year ago, would you have taken the position that you did that the contract was not exclusive, or would you have demanded that the contract be considered as exclusive and that you be given all of the boats provided by the appropriation?—A. I do not know that I caught the question.

Q. Suppose in the test of a year ago in May that your boats had proved superior in the opinion of the board.—A. Yes.

Q. Would you have taken the position then that you subsequently have—that the appropriation should be divided between the party who won and the one who lost—or would you have taken the position that you were entitled to the sole right to sell boats under that appropriation?—A. Under the interpretation of that act, which we had nothing to do with, that amendment, if we had had the superior boat, I should undoubtedly have taken the position that we were entitled to all of it.

Q. So that, as a business proposition, you try to sell whatever boats you can to the best advantage of your company, provided you do the right thing?—A. Yes. What I objected to under last year's legislation was, we had built a boat and notified the United States Government that we were building a boat under the act of 1906. Just the same as if we had entered a horse, for instance, in a race. We had already paid our entrance fees to the extent of in the neighborhood of $200,000 for the right to compete, and after notifying the Government and building a boat to enter under the 1906 law, which was a fair law, the rules of the game were changed and we were shut out and absolutely had no chance, in my opinion, from a technical point of view, of getting any portion of that $3,000,000 appropriated, or $1,000,000, which had been appropriated under different conditions.

Q. So that you would have had a chance for a fair show under that test?—A. Yes; under the 1906 act we could have submitted this boat, which is admitted to have a certain amount of merit, and is admitted to have superior merit in certain respects, and I think to-day the condition in which the boat is to-day is that she is more valuable as a submarine for the purpose of the defense of the coast than any vessel which is in the United States service, with possibly the exception of the *Octopus*, and we were deprived, after having a boat and our entrance fee paid, of any opportunity to receive any portion of our expenditure back.

Q. One thing more: From the standpoint of the Government, do you think it of advantage ever to provide for a test inviting every inventor and manufacturer to participate in the tests, with the provision that the winner shall have the exclusive right to sell under the appropriation that goes with the test?—A. No; I do not.

Q. You do not think that is of advantage to the Government?—A. No; I do not.

Q. Do you not think that so far as that appropriation is concerned you are apt to get all the points of excellence that an inventor has, that you reach the maximum of the ability to produce a boat under that system, rather than under a system of open competition and standards fixed of minimum and maximum excellence?—A. No; you would get the best that the country produces if you will throw the matter open to allow shipbuilders and all inventors—and we are an inventive country—to meet the requirements that may be set up by the Government. That might have applied years ago when the naval authorities did not have any faith in the submarine, but to-day the submarine is no longer a mysterious craft. The different shipbuilders in the country and different inventors of the country would be able to build submarines to-day. That is, there is nothing mysterious about it. The only protection, in other words, which submarine builders have to-day is the protection which should be given to them by their patents. The patent laws of the United States grant a monopoly for a certain number of years, and that is the only protection which builders or inventors of submarines are properly entitled to.

Q. You would not believe in the United States reserving the right in its patent laws to build themselves, would you?—A. Foreign governments do that; some foreign governments do that.

Q. Do they pay for the use of the patents when they do that?—A. They have a right to build and set their own value upon the patent. Some governments will refuse to grant you the patents if it has anything to do with appliances of war.

Q. Do they not get as good results by that method as this country does by this competitive method?—A. They may perhaps get better results, but it is hardly fair to the inventors, to men who have devoted their lifetime. It is not the principle upon which our laws of this country are founded.

Q. I am speaking from the standpoint of the Government. The Government can get just as good facilities, can it not?—A. Yes; the Government can perhaps get better facilities, and at a less price, because I know in my own case, with two foreign governments particularly, the large manufacturers are infringing with impunity. They are building practically after my design of boat, and I am not getting anything from it, and they do not hesitate to say "we are taking the result of Mr. Lake's experience, and we are entitled to it."

By Mr. HOWARD:

Q. Mr. Lake, when the Government gives an inventor a patent for a given number of years, that is in the nature of a monopoly?—A. Yes; in the nature of a monopoly, which he is entitled to for a certain number of years.

Q. That is what it is; that is the effect of it?—A. Yes, sir.

Q. That is what he gets for his inventive genius?—A. That is the encouragement.

Q. Now, what else, what other favor is he entitled to out of the Government as a contractor for his wares?—A. I do not think that one contractor should be given an advantage over another provided he is able to produce. I think the Government should do as all other governments with which I have had dealings—that is, specify special requirements, and the man who can meet those requirements at the least price is the man who should get the business.

Q. Now, the act of Congress as you say changed the rules of the race, or the game, after you entered. That is the substance of your illustration about the horse race.—A. Yes, sir.

Q. Congress changed the rule of the game after you had paid your entrance fee?—A. Yes, sir.

Q. How did it change it?—A. That I do not know.

Q. Did it not set up that certain specific points of excellence should characterize the boat that was purchased?—A. You are referring to the 1907 law?

Q. That is it.—A. The 1907 law set up—well, on the face it was fair. I am not holding Congress responsible in any way for that law, because I do not think they knew the intent or purpose of it. I do not believe that any Member of Congress would have voted for that unfair law if they had known the intent and purpose of it. They set up what has been claimed to be a law which permitted competition in submarine construction.

Q. And left it to whom to prescribe the course of tests of competition?—A. They stated that the requirements which must be met were requirements which could be met only by one boat and that was a boat built by the Government itself, and not fair to outside competitors.

Q. Did you not concede in your testimony that the standard of excellence which the Navy Department prescribed—that you as a competitor failed to come up to it?—A. Oh, I am not criticising the Navy Department. If I had been a member of that board I would have made exactly the same decision as they did.

Q. You say you were not criticising Congress because in fact they did not know what they were doing. Now you are not criticising the Navy Department——A. Because of their interpretation.

Q. Or, in other words, they did not know what they were doing?—A. Because of their decision in the interpretation of that law that I do not believe any fair Member of Congress would have consented to if he had known it was for the purpose of cutting out a competitor who had paid his entrance fee for the purpose of entering and then change the rules of the game.

Q. Changed the rules to read that the best horse shall win?—A. No; because they changed the rules to mean in effect that the poorest horse should win, which was two years out of date, a horse which had been beaten by the British Government. Made the standard the *Octopus* and boats that could equal the *Octopus* and boats which were submitted and superior in every respect cut out.

Q. You ran a colt then against a yearling?—A. Well, I think we ran a horse perhaps in a four-minute class against one in a two.

By Mr. OLMSTED:

Q. I want to ask you, Mr. Lake, perhaps I did, but on this subject of your sale of your company to the other, or the sale of the stock,

or anything of that kind, have you at any time had a conversation with any person other than those you named, Mr. Flint and Mr. Berg?—A. I do not recollect any at this present time.

Q. At any time?—A. I do not recollect.

Q. Or any written communication either to you or from you on the subject?—A. I do not recollect it.

Q. How did you come to have another test of the boat here a little while ago, in March—how did that come about?—A. Immediately after the trials and when I discovered the position of the hydroplanes were wrong in the Lake I gave orders to make certain modifications to bring her up to the standard of performance which we had been accustomed to in previous boats of our types, with the intention of asking the Department for another trial. What I wanted to do was to restore my credit as a designer of even-keel submarines and I went abroad and left instructions that the Department be requested to give us another trial of the boat when she was able to perform as she should have performed.

Q. You did not make a request of the Department?—A. I am inclined to think that the request was made of the Department.

Q. Directly, by whom?—A. It may have been made by Senator Thurston or my father.

Senator THURSTON. I can answer that. I prepared the letter requesting that new trial.

Mr. OLMSTED. I will say very briefly that what I wanted was to see whether or not any Member of Congress was instrumental in securing that test.

Senator THURSTON. No; that was a matter of correspondence with the Department. I prepared the letter, which is now on file in the Navy Department. Whether that was signed by myself as attorney for the company, or whether it was signed by Mr. J. C. Lake, its vice-president, or by Mr. Simon Lake, I do not remember, but I made that formal written request, which will be found in the files.

Mr. OLMSTED. Of course I assumed that that would be done and I was getting at the question of whether or not there was any political influence brought or attempted to be brought to bear to bring about the test.

Q. Do you know Mr. Lake?—A. Not as far as I am aware of.

Q. Mr. Littleton has submitted these questions, which he desires put to you: Were you present at the meeting of the Society of Naval Architects and Marine Engineers held in New York November 22 and 23, 1906, at which Mr. Lawrence Y. Spear read a paper entitled "The development of submarines?"—A. Yes.

Q. Did you take part in the discussion which followed the reading of Mr. Spear's paper?—A. Yes, sir.

Q. Is this pamphlet now shown you a correct report of the paper in question and the discussion which ensued?—A. I can not answer that question. I presume it is a correct copy of the report. That is the paper submitted, but I can state that it is not a correct report of the discussion which ensued.

Q. In what particular is it not correct?—A. The statements which Mr. Spear made verbally at that discussion, after reading the paper in reply to my paper which I had submitted in contradiction, to some extent, of his paper—his verbal reply was quite different from what

is now in the record as his reply. Or, in other words, he revised his reply to quite an extent.

Q. Will you state in what particular it was changed?—A. Well, the one important particular that I remember is that he admitted some of his mistakes, especially in regard to the operation of the hydroplanes, when his attention was called in my paper to the fact that the hydroplanes did work, and he said that the statement which he had made here before either the Senate or House committee was due to his youth and inexperience, in words substantially to that effect. I had a stenographer present at that time.

Q. You mean he struck out his youth and inexperience?—A. I am inclined to think he did. The written reply is quite different. After replying to some points which were raised he stated—this is, in substance, according to my stenographer—he said:

I doubt very much if I can add anything to Mr. Lake's interesting exposition of the type of boat of which he is sponsor and inventor. I think it is, perhaps, principally a difference of opinion, and I hardly believe we would ever agree. It seemed to me, while he was delivering his remarks, one might be led to believe I had been guilty, perhaps, of a little sharp practice in connection with these tables. Now, I think the paper states very distinctly my authority for these tables. It states absolutely that there were no official tests. The speeds were taken from the Lake Company's own report to the Navy Department. I have to-day for the first time learned what Mr. Lake's results were with his No. 1 screw, and the only thing I don't understand is why Mr. Lake did not use this No. 1 screw in his official tests in Russia. I said in my paper that the official reports in Washington ascribed higher speeds not only to the *Protector*, but to her sister ships as well. I don't doubt but what Mr. Lake can succeed in getting better speeds with better propellers. I noticed, however, that the difference in speeds between what he did here and what he did over in Russia was just about the same as in the *Fulton* here and over there. The ways they have of running their trials over there were different; that is sufficient explanation of that. Undoubtedly, if there were trial records available which show higher speeds than I have shown in my tables, they should be changed. Nothing is further from my wishes than to misrepresent in any way what has been accomplished, but I desire to lay before the society not theories, but facts. The statements I made, as Mr. Lake has quoted them, were made when I was younger and more enthusiastic. I guess the joke is on me. However, I have never had an opportunity to correct the proofs of that report, but it seems I must have said something very much like that. I have just said, however, that I limited my paper entirely to facts that can be substantiated. If we are to abandon that method of comparing boats, it becomes merely a matter of opinion as to whether one type of boat is superior to the other, and you hardly ever can get people interested in these things to agree. I think the sensible thing to do is to be satisfied with what you have.

It is quite impossible to build a boat practically fool proof, but when you eliminate the question of speed, you practically destroy her military usefulness.

As to stability, I don't know anything about the 22-foot boat of which Mr. Lake speaks, and he will, of course, admit that it is impossible for me to know anything about it. I gave you merely the facts as far as I was able to tell them, and as they were given in Captain Hilligan's paper. I did not think we were to enter into any discussion as to what was the most stable boat.

Now, those tables were made up from a confidential letter which I had given to a member of the trial board at the time we appeared at Newport for the purpose of conducting a trial. We had a very inferior propeller; the more power you put into it the slower the boat went. That is a strange fact, but it is true. Owing to the fact that the propeller was of a large diameter, with thirty-odd horsepower more she went a knot and a half less, because the efficiency of the screws went down as you changed the pitch. It was a strange

thing. We insisted and wanted trials with that unfavorable propeller to show the various other features of advantage which our boat possessed, and as we had built that boat entirely at our own expense and had been under great financial strain we felt that we were entitled to have some encouragement from the Navy Department. We had been developing the subject for years and we felt we were entitled to some consideration as long as there was no competitor present and we had built this boat at our own expense. Mr. Spear used those tables and the impression was given from his paper that that low speed which he stated, 3.8 knots, was the best we could do with our boat, while as a matter of fact we had done very much better and had recorded speeds of 9.3 and 6 knots, as against 3.8 knots which he quoted, and in a recent report of the board testifies our submerged speed was about 6 knots.

Q. Counsel for the Electric Boat Company ask this question: Do you not know that the confidential figures which you have mentioned were published in the House document before Mr. Spear's paper was prepared?—A. You speak of confidential figures. Those figures were given on the floor of the House within a very few days after they were given to the trial board.

Q. Then the time Mr. Spear used them they were not confidential any more?—A. No; they were no longer confidential, and those same figures Mr. Spear has been informed and knows better, and those same figures have been used before this identical committee, not by Mr. Spear, but by one of the attorneys. So the misinformation is still being circulated.

Q. Now, you have read what your stenographer reported as a correct copy?—A. In substance, yes.

Q. Now, counsel for the Electric Boat Company request that this pamphlet be put in the record and it will be there side by side with that report.—A. Yes.

Mr. OLMSTED. I would suggest, however, that we may not be able to go into the pictorial business.

Mr. LITTLETON. With the exception of those cuts.

The CHAIRMAN. The printed parted of this, Mr. Spear's remarks, will be printed in the record.

Q. Have you any further statement to make, Mr. Lake, which will throw any light on this matter?—A. No, I think not.

The CHAIRMAN. Have you any witnesses that you would like to suggest that we call that will throw any light on the subject?

Answer. No.

By the CHAIRMAN:

Q. I would like to ask one question, for the information of the committee and the House, and will be glad if you will put it in concrete form. What amendment or paragraph on the naval appropriation bill would you consider under the present circumstances fair and just to all parties concerned?—A. I think the general legislation which aplies to surface torpedo boats and battle ships, to cruisers, and to all the ships should apply to submarines. I know that there are two concerns in the United States that to-day are able to meet the present requirements of the Navy Department, and there may be more. I think any of the competing companies are sufficiently protected by their patents, which is the only monopoly which should be *recognized in this country*, to my mind.

Q. Would you put your idea into concrete form in the shape of a proposition, or an amendment, that would be suitable at the present time, right now? What do you think would be fairest and wisest legislation, all things considered now, at the conclusion of your examination as to the number, amount, and provision——A. I think that it is covered in the bill which the Senator prepared and is known as the "Sperry bill," which leaves the matter entirely to the discretion of the Navy Department. I am not sure that it does. [Referring to Mr. Neff.]

Mr. NEFF. Yes.

Q. Does it make the Navy Department set up the standard of the requirements?—A. Yes, sir. Let the Navy Department set up the standard of the requirements. They have had sufficient experience now to know what they want in submarines. All other governments have been setting up that standard of requirements. However, I think that the Navy Department should have authority, if it has not, to send commissions abroad to see what foreign countries are doing in regard to submarines. Foreign countries are sending commissions here. The British Government has sent various representatives here, and the Russian Government—I think, all of the governments. I have received this last week a request for information from two important foreign countries. Japan sends commission after commission here, and I think that there should be given in this bill, or in the act, if it is not already within the Department—I presume it is—to allow their experts to see what foreign governments are doing and then set up a standard and anyone who could meet that standard should be given an opportunity to compete, and price should be the only thing for equal performance and workmanship.

Q. The Sperry bill, then, as prepared by your counsel, Senator Thurston, and now pending in the House, embodies what you would consider a fair and just proposition to attach to the naval appropriation bill?—A. Yes.

Q. How many boats does that call for?—A. It does not call for a number of boats, and I do not think the Department should be restricted in that sense. If you call for a certain number of boats with a certain amount of appropriation they are very apt to interpret that to divide up so many boats at so much. The Department may require one boat that would be able to make a trip from here to the Philippines, for instance, or they may consider a number of small boats are to advantage. The technical men and the fighting officers of the Navy should get together and decide those questions.

Q. How large an amount does this bill carry?—A. I think $2,000,000.

Q. Would you think, under all the present circumstances, the present condition of our Navy and the condition of the other navies of the world, and the condition of our finances, a large surplus in the Treasury, that that amount is large enough?—A. It takes about two years to build a submarine. To-day efficient submarines can be built which will offer the best protection that I am aware of, and that is the opinion of many foreign officers.

Q. The Sperry bill then as now pending would meet your views as to what was a just proposition?—A. Yes.

Q. As to the amount for this present year?—A. Since we have made the contract with this Government here for a boat to make 14 knots and 9½ knots submerged—we expect to exceed that contract—I received a request from a foreign government for a boat to make 17 knots surface speed and 12 knots submerged, but I do not think we want to go too rapidly in this thing. It shows the demand is becoming greater and greater for speed and larger radius of action. This Government demands 30 per cent reserve buoyancy in full loaded conditions, which makes an efficient seagoing craft.

The CHAIRMAN. Is any one else present, either in person or by counsel, that desires to ask questions of this witness?

Q. The examination of the stock books in executive session can be done at any future time?—A. Yes, sir.

Q. The stock books, as I understand it, will be here, so that they can be examined at short notice?—A. Yes, sir.

Q. Is Mr. Adams coming over to-morrow?—A. So I understand.

Q. Would it be possible to reach him by wire and have him bring the correspondence?—A. No; because they are in my private desk, if they are there.

Q. Would it be convenient for you to make the trip to Bridgeport now that your testimony is over?—A. Yes; I would be very glad to go to Bridgeport.

Q. If you will do that the committee, unless some other questions come up in the future, the committee does not care to make any further examination of you.—A. Will it be necessary to bring them down?

Q. If you send them down, the letters which have been referred to in this testimony, and those are, so far as you know, they are copies of letters from J. C. Lake, or other officers of the company, relating to the contract of last summer and the submission of the matter to the Attorney-General.—A. We have copies of all official correspondence with the Navy Department.

Q. What we want particularly are the reports to you as president of the company by the local officer here, and anything relating to the submission of this to the Attorney-General.—A. Most of those reports would be in London.

Q. Copies of Mr. J. C. Lake's letters would, of course, be here?—A. Yes.

Q. Then the letters and replies relating to those affidavit——A. Yes, sir.

Q. I think that will be all. If it is necessary we can notify your counsel if the committee desires to ask any further questions, otherwise you can be discharged. The committee regrets that it was necessary to keep you here so long.—A. It was probably a good thing.

The CHAIRMAN. The committee will take a recess until to-morrow afternoon at 2 o'clock.

(Thereupon the committee adjourned until to-morrow, Wednesday, April 15, 1908, at 2 o'clock p. m.)

APPENDIX.

THE DEVELOPMENT OF SUBMARINES.

By L. Y. Spear, Esq., Member.

[Read at the fourteenth general meeting of the Society of Naval Architects and Marine Engineers, held in New York, November 22 and 23, 1906.]

INTRODUCTORY.

Four years ago the author read before this society a paper covering the development of the submarine torpedo boat up to that date. Since then the importance of the subject has progressively increased, giving rise to much public discussion, unfortunately in many cases based on misconceptions of the subject. The object of the present communication is to record the development during the past four years and to compare the results obtained with different types, and incidentally to comment on some much misunderstood points. To make clear what follows, it will be necessary to touch on one of these points now, viz: The distinction between a "submersible" and a "submarine."

These terms are of French origin, and, strictly speaking, are only applicable to French boats. Outside of France the broad term "submarine" is generally used to designate all vessels capable of navigating totally submerged. The word is also used in that sense in France, but in addition is frequently used in a restricted sense, to distinguish one general type of French boat from another, termed "submersible." The first under-water boats built in France were fitted only with electric power and had no heat engines for surface propulsion and recharging batteries. As these were incapable of action independent of their base, the qualities necessary for cruising on the surface, particularly at sea, were unimportant; hence in the light condition (that is, with all ballast tanks empty) they had a very small reserve of buoyancy—only about 4 or 5 per cent. That is, in the condition of maximum freeboard they were almost awash. This was permissible because under the worst conditions at sea which they were apt to encounter, the boats could be completely sealed up, as they did not require any air supply for propulsion. The first of these vessels were originally designed to submerge by inclining the axes under the action of stern rudders only. The proportions of the vessels, however, were eminently unsuitable for this method of submergence, and it was found impossible to control them by this method with any certainty. Additional rudders were therefore fitted both forward and aft, equally distant from the center of gravity, so that a vertical thrust could be produced in addition to the turning movement due to the stern rudders. Owing to the vertical thrust of the side rudders, the vessel could submerge and rise with very slight inclinations of the axis. These means were found better suited to vessels of the form and proportion of those in question, and have been adhered to ever since. In 1899 the *Narvel*, the

forerunner of a new type for France, was launched. She was termed a "submersible" because, in addition to her under-water work, she was especially designed to cruise on the surface like an ordinary vessel, steam engines being fitted for that purpose. The use of steam engines, of course, involved comparatively large deck openings for the purpose of supplying air and exhausting the products of combustion. To meet these conditions safely and at the same time render the vessel sufficiently habitable and comfortable in a seaway, the reserve buoyancy in the light condition, i. e., all ballast tanks empty, was very materially increased as compared with the earlier boats, or "submarines" proper. The means for submergence and control when submerged, i. e., multiple rudders, were identical with the final form of the "submarine." At that date, then, the prime difference between the "submarine" and "submersible" was that the former had electric power only without means for recharging batteries, while the latter had not only the electric power, but also independent heat engines for surface propulsion and recharging batteries. In addition, the "submersible" had greater buoyancy and initial stability in the light condition, and probably less stability submerged. This distinction remained clear until a few years ago, when the French abandoned steam engines and adopted the American principle of using oil engines, fitting them not only into the new "submersibles" *Aigrette* and *Cicogne*, but also into the "submarines" *X*, *Y*, *Z*, and others, thus destroying the old and main distinction between the two types. The names, however, are still adhered to, as the other differences noted still exist, though to a lessened degree. The surface buoyancy of the "submersible" has been materially decreased and that of the "submarine" slightly increased; and on the latter have been fitted raised bow superstructures, flying bridges, etc., in the attempt to increase habitability and comfort in cruising at sea. The means and methods of submerging remain identical as before. Trials having shown that the buoyancy of the latest French "submarine" is still insufficient for satisfactory cruising on the surface at sea, the two types in the future may be expected to merge into one, which will undoubtedly be termed a "submersible." The "submarine" proper, as at present understood in France, must be relegated to harbor defense only. In passing, we may note that the "submersible" really originated in America, as the *Holland* was the first vessel built of that general type. No "submarines" proper, except one or two experimental vessels, have been constructed outside of France. Those possessed by other countries, such as England, United States, Japan, Russia, etc., if they must be classified, undoubtedly belong in the "submersible" class, for, while their percentage of surface buoyancy is somewhat less than that of the French "submersible," it is enormously greater than that of the French "submarine." It has been thought desirable to set forth this distinction at some length, as the terms are often erroneously used to distinguish between boats which by means of multiple rudders submerge on nearly an even keel and those which submerge by inclining the axis under the action of stern rudders only. It should be noted also that any conclusions drawn from the comparative performances of the two types of French boat are clearly not applicable to the various types of modified "submersibles" outside of France, whether these be of the "even keel" or "diving" type.

DESCRIPTIVE.

Turning now to the development during the past four years, we find that the most active countries have been Great Britain and France, with United States, Russia, Japan, Italy, Holland, and Germany following.

Great Britain.—During this period 1902–1906 Great Britain has practically overcome the lead which France held at the beginning, for, while in the total number of boats built and building its fleet is still inferior, yet the average efficiency is so much higher as to make up for the deficiency in numbers. This arises from the fact that the British boats have been developed logically, step by step, from the original type, which were Holland boats of the *Adder* type. This development has been continuous, looking always toward improvements in speed, radius of action, habitability, armament, etc., by successive increases in displacement. As the success of each step has been demonstrated in practice, the perfected type of boat has been reproduced in sufficient numbers to form one or two tactical groups of five boats each. The great advantages of uniformity of design in the groups are so obvious as to require nothing more than mention, including, as they do, not only the tactical use of the vessels, but important questions of organization, supplies, spare parts etc. On September 1, 1906, there were built and in commission 23 boats (5 original Hollands, 12 modified Hollands of the *A* type, 6 modified Hollands of the *B* type), while 18 were under construction (1 of the *A* type, 5 of the *B* type, 11 of the *C* type, and 1 of the *D* type, all modified Hollands); 7 more were authorized, but at that date not yet begun. Owing to the policy of secrecy maintained by the British Admiralty, it is exceedingly difficult to secure reliable information with regard to the characteristics and performances of these boats. Tables 1 and 2 may be relied upon with absolute confidence only as far as the numbers, type, dimensions, and displacement are concerned. The speeds, radii of action, etc., may, however, be taken as sufficiently accurate, although, except in the case of the original five Hollands, the data does not come from trial records.

Confining ourselves to boats actually completed and in service, inspection of the table reveals the following: The horsepower of the main engines has risen from 160 to 600, the surface speed from 8½ to 12½, the submerged speed from 7 to 8½, the maximum radius of action from 500 to 1,350 nautical miles. To accomplish these results it has been necessary to increase the displacement from 122 tons to 313 and the length from 64 feet to 135. In so doing, the ratio of length to beam has been increased from 5.4 to 10. It was formerly thought that such a large ratio of length to beam would necessitate the adoption of the French method of submergence, viz, multiple rudders, and it is interesting to note that this is not the case, as these vessels, like the earlier ones, are handled and submerged by stern rudders only. Single screws and electric power for submerged work, with gasoline engines for surface propulsion, have been steadily adhered to. In *A–13* an attempt was made to substitute a heavier oil for gasoline, but it is understood that difficulties with the installation have prevented her completion. It is further understood that gasoline will be adhered to until the success of a heavy

oil engine installation has been thoroughly demonstrated in practice. It is known that in some instances, at least, the percentage of buoyancy in the light condition has been reduced below that of the original type. There is, however, some reason to believe that in the later boats the original percentage has been reverted to.

TABLE No. 1.—*British submarines in commission September 1, 1906.*

Type.	Propulsion.	Armament.	No.	Length.	Beam.	Displacement submerged (tons).	Submerged speed for 3 hours (knots).	Maximum surface speed (knots).	Radius at maximum speed (knots).	Cruising speed (knots).	Cruising radius (knots).
				Ft.	*Ft. In.*						
Original Holland.	Single screw, gasoline and electricity.	1 tube; 4-3.55 m. Whitehead.	5	64	11 9	122	7.0	8.50	300	7.0	500
Modified Holland A1-A4.	.....do.....	2 tubes; 4-5 m. Whitehead.	4	99	12 3	180	7.5	10.25	370	8.0	600
Modified Holland A50-A12.	.....do.....	.....do.....	8	99	12 8	204	7.75	11.00	400	8.5	650
Modified Holland B1-B6.	.....do.....	.....do.....	6	135	13 6	313	8.5	12.50	950	9.5	1,350
			23								

TABLE No. 2.—*British submarines building and authorized September 1, 1906.*

Type.	Propulsion.	Armament.	No.	Length.	Beam.	Displacement submerged (tons).	Submerged speed for 3 hours (knots).	Maximum surface speed (knots).	Radius at maximum speed (knots).	Cruising speed (knots).	Cruising radius (knots).
				Ft.	*Ft. In.*						
Modified Holland A13.	Single screw, kerosene and electricity.	2 tubes; 4-5 m. Whitehead.	1	99	12 8	204	7.75	10.5	200	8.0	350
Modified Holland B6-B11.	.....do.....	2 tubes; 5-5 m. Whitehead.	5	135	13 6	313	8.5	12.5	950	9.5	1,350
Modified Holland C1-C11.	....do.....	2 tubes; 4-5 m. Whitehead.	11	135	13 6	313	8.5	12.5	950	9.5	1,350
Modified Holland D1.	Twin screw gasoline and electricity.	.....do.....	1	[a] 150	.....	[a] 500	[a] 9.0	[a] 14.0	.....	.....	.....
Modified Holland D2-D8.	.....	.....	[b] 7	.....	.....	.....	.....	.....	.....	.....	.....
			25								

[a] Approximate.
[b] Authorized but not yet laid down.

NOTE.—All speeds are designed speeds.

France.—As compared with the eminently practical policy of development pursued by Great Britain, the French policy affords an illuminating contrast. Here all that so far has been accomplished has been done by the Government itself, and not by private enter-

prise nor by cooperation between the Government and private enterprise. As a government can never be as thoroughly centralized as a private business concern, one of the natural results of this system is a scattered effort over a number of independent attempts at solution of the problems involved, and a lack of that continuous step-by-step development which is so essential to the best results. Such conditions make in a broad sense for a vacillating and uncertain policy resulting in a heterogeneous fleet and a multiplicity of types, two very serious drawbacks to an efficient fleet. Thus while France had on September 1, 1906, a total of 99 boats built, building, and authorized, these already represent 18 different types, many of which are of such low efficiency compared with the best possible as to be practically a negligible quantity. Of these 18 types already determined upon, 12 are "submarines" proper and 6 are "submersibles." There have not been wanting keen critics in France to point out the folly of such scattered efforts, and it is now authoritatively stated that continuity will form an important feature in future development.

Tables 3, 4, 5, and 6 give certain data with regard to the French "submarines" as referred to the date of September 1, 1906, from which it will be seen that at that time there were 40 boats completed, 29 boats under construction, 20 boats of which the design has been selected but keels not yet laid, and 10 boats appropriated for which the design had not yet been selected. For convenience the "submarines" and "submersibles" have been separated in each table.

It should be noted that the *Emeraude* and *Opale*, included in Table 6, although completed on September 1, had not then undergone their trials.

The above data as to types, dimensions, tonnage, speeds, armament, etc., may be accepted with confidence, except where otherwise noted.

"Submarines" proper.—The most significant thing revealed by the tables concerning this group is the entire absence of any systematic development. This is best illustrated by the abrupt variations in displacement which, beginning with 30 tons, rose to 270, fell to 146, rose to 185, fell to 70, rose to 168 and 202, fell to 45 and 21, and again rose to 212 and 398. Other features worthy of notice are as follows: Since 1901 no submarines dependent upon electric power only have been laid down, all subsequent vessels being fitted with oil engines also. Apparently the prime object in fitting them has been to render the boats independent of shore plants for charging batteries, as the necessary freeboard, buoyancy, and fuel supply for extended sea work have not been supplied. The oil engines, which are known to be operating successfully, are gasoline engines. Data as to behavior of the heavy oil engines which are being tried are not available. The small submarine *Q–1*, of 21 tons, is intended to be hoisted on board a large transport, though the details of the method and gear for hoisting have not yet been worked out. This experiment does not seem to offer much promise, as 21 tons is certainly too small a displacement for efficient work under service conditions. In the submarine *Y* an attempt is to be made to increase the submerged speed and endurance by substituting a heat engine for the electric motor and batteries. The same engine is used as for surface propulsion, special means being provided for furnishing the necessary oxygen and disposing of the products of combustion. No information is available as to when this vessel will be ready for trials.

TABLE No. 3.—*French "submersibles" in commission, September 1, 1906.*

Type.	Propulsion.	No.	Armament tubes and exterior launching apparatus.	Length.	Beam.	Displacement submerged.	Displacement, light.	Maximum surface speed.	Submerged speed, three hours.	Time to submerge.
				Ft. In.	*Ft. In.*	*Tons.*	*Tons.*	*Knots.*	*Knots.*	*Minutes.*
Narval.....	Single screw, steam and electricity.	1	4	111 6	11 2	200	116	[a] 12.0	[a] 8.0	20
Sirene.....	.....do.....	4	4	111 6	12 4	246	154	[a] 12.0	[a] 8.0	10
Aigrette...	Single screw, gasoline and electricity.	2	4	118 0	12 10	262	175	8.7	6.3	5
		7								

[a] Doubtful.

TABLE No. 4.—*French "submarines in commission, September 1, 1906.*

Type.	Propulsion.	Number.	Armament tubes and exterior launching apparatus.	Length.	Beam.	Displacement, submerged.	Displacement, light.	Maximum surface speed.	Submerged speed, 3 hours.	Time to submerge.
				Ft. in.	*Ft. in.*	*Tons.*	*Tons.*	*Knots.*	*Knots.*	*Minutes.*
Gymnote.....	Single screw, electricity.	1	None.	56 6	5 11	30	.....	6	4	.....
Gustave Zédée.	.....do.....	1	3	159 0	10 10	270	.....	8	5	.....
Morse.....	.....do.....	3	3	118 0	9 0	146	.....	.....	6	.....
Farfadet.....	.....do.....	4	4	136 0	9 6	185	.....	.....	.....	.....
Naide.....	Single screw, gasoline and electricity.	20	2	74 0	7 5	70	.....	8	6	.....
X.....	Twin screw, gasoline and electricity.	1	2	123 0	10 3	168	.....	8.5	6	.....
Z.....	Single screw, gasoline and electricity.	1	4	136 0	9 10	202	.....	8.3	5.8	.....
Emeraude.....	.....do.....	2	6	146 6	12 10	398	.....	[a] 12	[a] 6	.....
		33								

[a] Designed.

TABLE No. 5.—*French "submersibles" building and authorized, September 1, 1906.*

Type.	Propulsion	No.	Armament tubes and exterior launching apparatus.	Length.	Beam.	Displacement submerged.	Displacement surface light.	Maximum surface speed.	Submerged speed, 3 hours.
				Ft. in.	*Ft. in.*	*Tons.*	*Tons.*	*Knots.*	*Knots.*
Omega	Single screw, special oil engines.	1	4	160 6	13 9	309	212	11	8
Circe	do	2	7	156 0	16 1	500	350	12	8
Q51–Q60, Q62–Q69.	Single screw, steam engine and special oil engine.[a]	18	7	168 0	16 4	550	400	13	8
Q70–Q89		[b]20	7	168 0	16 4	550	[d] 400	13	8
Q90–Q99		[c]10				[d] 700	550	[d] 15	[d] 8

[a] Doubtful.
[b] Keels not laid, but design fixed.
[c] Authorized, but design not finally fixed.
[d] Approximate.

NOTE.—All speeds are "designed" speeds.

TABLE No. 6.—*French "submarines" building, September 1, 1906.*

Type.	Propulsion.	No.	Armament tubes and exterior launching apparatus.	Length.	Beam.	Displacement, submerged.	Displacement, light.	Maximum surface speed.	Submerged speed, 3 hours.
				Ft. in.	*Ft. in.*	*Tons.*	*Tons.*	*Knots.*	*Knots.*
Y	Single screw, special oil engine.	1	4	157 6	9 10	212	.....	10	6
Emeraude	Single screw, gasoline and electricity.	4	6	146 6	12 10	398	.....	12	6
Guepe	Single screw, special oil engine.	2	2	67 6	6 11	45	.....	.....	.....
Q61	.....	1	.....	36 6	6 3	21	.....	.....	.....
		8							

NOTE.—All speeds are "designed" speeds.

When we remember the facts that the earlier boats in this group have electric power only, that the *Naide* class have a displacement of only 70 tons with a small radius of action, and that *X* and *Z* are deficient in seaworthiness, radius of action, and speed submerged, it is easy to see that none of them fulfill modern requirements to a reasonable degree, and so must be relegated to the second line, and used for harbor defense in the limited sense.

It remains to be seen whether the six vessels of the *Emeraude* class will demonstrate on trial the possession of the important qualities lacking in the earlier boats. If not, then we must look to the group of "submersibles" for efficient vessels, measuring up to the standards elsewhere attained.

"*Submersibles.*"—In the history of the construction of this group a definite policy is visible, free from the erratic steps, to the side and backward, so conspicuous in the history of the "submarine" proper. Each successive type has been marked by an increased displacement over the preceding one until, from the original 200 tons, vessels are now building of 550 tons. The main features of the original have been closely adhered to, except that in some cases oil engines have replaced

steam engines, and in at least one case, the *Omega*, as in the submarine Y, an attempt will be made to dispense with electric power altogether.

So far as boats now completed are concerned, the designer's efforts have been principally concentrated on a reduction in the time required to submerge from the light condition. For the first vessel, the *Narval*, twenty minutes were required for this operation, a period which was at once recognized as being entirely inadmissible. The reason lies in the fact that destroyers and large torpedo boats may be counted on to run a knot in about two and one-half minutes, so that to avoid destruction by such vessels the *Narval* would be obliged to sight them when distant from 8 to 9 miles, a practical impossibility under service conditions. In the *Sirene* class this time was reduced to ten minutes, and finally in the *Aigrette* and *Cicogne* to five minutes. In affecting this reduction the two most important factors have been as follows, viz, first, the substitution of oil engines for steam engines; and second, the reduction of the excessive reserve buoyancy in the light condition, thus reducing the amount of water and hence the time required to fill tanks. Under the circumstances, the return to steam engines in the *Q-51* class would appear to be a mistake, unless some new method of installation has been found, free from the faults of the original. The reduction of reserve buoyancy, however, goes on progressively, that of the *Q-51* class being only one-half of that of the *Narval*. As excessive bouyancy not only increases the time required to submerge, but is only obtained at the expense of other qualities, the reduction may be expected to go on until the lowest limit compatible with satisfactory seagoing qualities is reached.

One other feature, characteristic of both the "submersible" and "submarine," is worthy of note; that is, the armament. Owing to peculiarities of form and proportion the installation of internal tubes is somewhat limited and recourse has been had in many cases to exterior launching apparatus. This system, while it materially simplifies the work of the designer, is much inferior to the internal tube for the following reasons: First, firing accuracy is inferior; second, torpedo is exposed to mechanical injury; third, torpedo is entirely inaccessible when submerged.

Russia.—Stimulated by the needs of the war with Japan, Russia has hurriedly accummulated a fleet of 28 boats, of which 19 are completed and in commission, and 9 are building. Thirteen of the boats completed are of American design, 7 of the so-called "Holland" boats, and 6 "Lake" boats. During the war 14 of these vessels were transported from St. Petersburg to Vladivostok on the Siberian railway. Special trucks were built to accommodate them and the boats were shipped in a completed condition except that their conning towers were removed to permit of their passage under bridges and through tunnels. As the Japanese did not attack Vladivostok, these vessels had no opportunity to demonstrate their qualities in an actual engagement. They were, however, kept steadily employed in outpost picket duty, their farthest station being about 150 miles from Vladivostok. The vessels held their outpost positions normally for periods of from three to five days, but were occasionally required to hold position for two weeks without returning to the base for supplies. It is noteworthy that, although this flotilla was very hurriedly assembled and the crews and commanding officers had very inadequate experience in the management of submarines, nevertheless only two serious accidents occurred, both of

these being in boats of Russian design. Table 7 gives such particulars as are available with regard to the Russian boats.

TABLE NO. 7.—*Russian submarines built and building, September 1, 1906.*

Type.	No.	Length.	Beam.	Displacement, submerged.	Surface speed.	Submerged speed.	Time to submerge.	Propulsion.
		Ft. In.	*Ft. In.*	*Tons.*	*Knots.*	*Knots.*	*Minutes.*	
Electric Boat Co., Type 7-P.	7	67 0	11 10	122	9.5	7.4	3.5	Single screw, gasoline and electricity.
Lake type Protector..	6	67 6	12 6	174	7.5	4.6	20	Twin screw, gasoline and electricity.
Beckemischeff.....	6	77 0	14 0	175	.....	.....	.....	Do.
.....	[a] 1	.....	.....	.....	.....	.....	.....	.....
Drzewiecki.....	[a] 1	.....	.....	130	.....	.....	.....	Special oil motor.
Do.....	[a] 1	.....	.....	250	.....	.....	.....	Kerosene and electricity.
D'Equevillay.....	[a] 3	131 0	10 6	190	.....	.....	.....	Twin screw, gasoline and electricity.
Lake.....	[a] 4	[b] 120 0	.....	[b] 500	.....	.....	.....	
	29							

[a] Building. [b] Doubtful.

Japan.—The Japanese fleet consists of five so-called "Holland" boats of the following dimensions and particulars: Length, 67 feet; beam, 11 feet 10½ inches; displacement submerged, 123 tons; displacement light, 104 tons; speed on the surface light, 9 knots; maximum radius, 500 knots; speed submerged, 7 knots; radius full speed, 28 knots; radius at reduced speed, 90 knots.

These vessels were ordered in the summer of 1904, and, after erection, were knocked down for shipment. They were not completed until late in the summer of 1905, and peace was declared before there was an opportunity to employ them in service. There are under construction in Japan two smaller submarines, understood to be from the designs of Mr. J. P. Holland. The first boat has been undergoing trials for many months, but has not yet been accepted by the Japanese Government.

Holland.—The Dutch Government has begun the construction of submarines, the first of which has recently been accepted after exhaustive trials in the North Sea. This is of the same design and dimensions as those furnished to Japan.

Germany.—Within the past four years considerable activity has been manifested in Germany, both by the Government and by private firms. The Germania yard at Kiel, controlled by the Krupps, has built and is experimenting with a vessel designed by M. R. D'Equevillay, of about 240 tons displacement. It is understood that this vessel has been subject to many alterations and has not yet reached its final form, although it is expected that it will soon be ready for trials after radical changes. The German Government has set aside a fund for the development of the submarine, and it is understood that the vessel built at Krupps will be tried by the Government. The Government itself is building an experimental boat, understood to be 160 feet long and 330 tons displacement, and it is likely that the construction of vessels of another successfully demonstrated type will soon be undertaken.

Italy.—Reliable information as to the Italian boats is not available. Even the exact number completed and under construction is not

known. This is reported by some authorities as six and others as nine. The published data with regard to the particulars of the boats is so conflicting as to be unworthy of reproduction, and is therefore omitted from this communication. It is believed that the boats do not differ materially from the French types, although it is reported that in one instance down-haul screws have been used to obtain submergence instead of horizontal rudders.

United States.—No additions have been made to the fleet in commission during the period already mentioned, although four vessels have been ordered which are now undergoing trials at the hands of the builders, the Electric Boat Company, and will soon be added to the Navy Register. These vessels are the *Viper*, *Cuttlefish*, *Tarantula*, and *Octopus*, the first three of which are sister ships, and larger and faster developments of the vessels now in commission; and the last, the *Octopus*, is a still larger development. The contracts for these vessels unfortunately prevent the author from giving detailed information about them, as such, at present. Table 8 gives available particulars of the United States' fleet.

TABLE No. 8.—*United States submarines built and building, September 1, 1906.*

Type.	Propulsion.	No.	Length.	Beam.	Displacement, submerged.	Surface speed.	Maximum surface radius.	Submerged speed four hours.	Maximum submerged radius.
			Ft. In.	*Ft. In.*	*Tons.*	*Knots.*	*Knots.*	*Knots.*	*Knots.*
Holland...	Single screw, gasoline, electric.	1	53 10	10 3	75	6	.....	5	.....
Adder.....	.....do.....	7	64 0	11 9	122	8.5	500	7	90
Viper.....	.....	[a] 3	.....	.....	.....	.....	.....	.....	.....
Octopus...	.....	[a] 1	.....	.....	.....	.....	.....	.....	.....
		12							

[a] Building by Electric Boat Company.

The order for the four new vessels was placed as a result of the performance of the *Fulton*, owned by the same company, in open competitive tests held by the Navy Department off Newport in June, 1904. As no other private competitor accepted the conditions of the trials, the results obtained were compared with those obtained by Government vessels of the *Adder* type furnished by the same company. The board found the *Fulton* at least equal to the *Adder* class in every respect and superior in 15 different respects.

As the *Fulton* was originally a duplicate of the *Adder* class and some surprise has been expressed at this result, it is pertinent to state that the *Fulton*, prior to her trials off Newport, had been subjected to numerous and quite radical changes, although the hull proper and portions of the machinery remained unaltered. These changes were all designed to remedy deficiencies in the original type due to a lack of understanding on the part of the designer as to actual conditions to be met in service. The final result was a very considerable improvement in efficiency under service conditions at sea. The trials in question included all of the operations required in service, and all of the conditions imposed by the Department were successfully met.

The requirements of the most interesting trial were as follows: Vessel to leave torpedo station, Newport Harbor, and proceed full speed in the light condition to a stake boat anchored in the open sea

off Point Judith, there to submerge and find and attack a target 10 nautical miles distant to seaward, consisting of two ship's cutters 300 feet apart and marked generally by the yacht *Hist*, located 250 yards to the west of the target. All observations during this attack were required to be made by the periscope, no exposure of the vessel itself or conning tower being allowed. As it was feared that the torpedoes might be lost, none were actually to be fired at the target, but in lieu thereof the vessel was required to expose her periscope within torpedo range, then, submerging the periscope, to pass through the target in order to show that she was properly pointed. After passing through the target the boat was required to return, submerged, round a stake boat 3 miles distant and again attack the target, making observations this time from the conning tower only, the eyepiece of the periscope being removed. Completing this attack she was to return over the course submerged, then pass to the light condition and proceed under her main engines, charging batteries while underway. After charging batteries she was required to remain submerged for twelve hours; the whole trial to continue over at least twenty-four continuous hours, during which the vessel and crew should be entirely self-sustaining. These conditions the boat easily met, being submerged about fifteen and one-half hours out of the twenty-four and cruising on the surface the other eight and one-half hours. During the twelve hours' continuous submergence the full crew and one observer were on board. No fresh air was supplied except at the end of the test, and then not of necessity, but to demonstrate the efficiency of the apparatus provided for that purpose. The average depth maintained during the attack was 20 feet, sufficient to entirely submerge the periscope, but showing at all times a flag carried on an extension mast. During the 10-mile run to the target the periscope was momentarily exposed at intervals of about 2 miles to observe the movements of passing vessels and to locate the target, which, on account of its small size and lack of elevation, was difficult to puick up. The final observation was made at a distance of 825 yards from the target. During the run a meal was prepared and served to the crew.

The improvements made by the builders in the *Fulton* have subsequently been applied to the *Plunger*, *Porpoise*, and *Shark*, in the hands of the Government, with good results.

It should also be stated that the vessels furnished by the same company to Japan, Russia, and other foreign governments of this size (designated type 7-P) are substantially duplicates of the modified *Fulton*, but have somewhat higher speeds and carry torpedoes 5 meters in length instead of 3.55.

Since the author's previous communication the Lake Torpedo Boat Company has completed and tried the *Protector* and several sister ships of the type referred to on page 336 of the proceedings for 1902. A fairly complete description of this vessel will be found in a paper by Lieutenant Halligan, U. S. Navy, in the Journal of the American Society of Naval Engineers, volume 15, No. 4, from which the following particulars are taken: Length over all, 67 feet 6 inches; spindle beam, 11 feet 2 inches; extreme beam, 14 feet 2 inches; submerged displacement, 174 tons; horsepower, main engines, 240; electric horsepower for three hours, 75; metacentric height submerged, 7.3 inches.

It was expected that this vessel would take part in the competitive trials at Newport. Although originally entered, she was eventually

withdrawn by the owners without trials, so that there are no official data available as to her trials in the United States. Reliance must therefore be placed upon results reported by her owners, checked as far as possible by the results obtained on trials in Russia. The most noteworthy feature of this boat was her failure to realize her designer's expectations as to speed and radius of action, especially submerged. She was designed for a surface speed of 10 knots in the light condition with a radius of action of 350 knots at that speed, and a submerged speed of 7 knots with a radius of action of 21 knots at that speed. Her actual speeds over the measured mile at Newport, as reported by her owners to the Navy Department, were as follows: In the light condition under the main engines, 7.44 knots; in the submerged condition, 3.8 knots.

Her deficiency in surface speed would reduce her radius of action from 350 knots to 250. To maintain the submerged speed of 3.8 knots, 100 horsepower was required. At that rate the maximum endurance of the battery could not exceed two and one-half hours, giving the boat a total radius of action submerged of only 9½ knots at a speed of 3.8 knots instead of 21 knots at a speed of 7 knots, as designed. The time required to submerge from the light condition, as reported by various observers, was about 20 minutes.

These inferior results as to speed were ascribed by the inventor to a defect in the design of propeller, but as substantially the same results were later achieved in Russia after the propellers had been changed, and as these data are verified by results obtained from sister ships, they must be accepted as the best of which the design is capable. It is true that the speeds accredited to this class on official trials in Russia were somewhat higher than the figures obtained here, but as the results accredited to the *Fulton* and other boats of her type tried under the same conditions in Russia also exceed the results obtained here by about the same amount, the difference may safely be put down to differences in the methods of conducting trials and recording results.

The Lake Company has recently completed a new vessel of the same general type as the *Protector*, but of increased length and displacement. Her particulars, so far as the author is aware, have not yet been made public, nor are any data available as to the results of trials.

SUMMARY, COMPARISONS, ETC.

Summing up, we find the total number of submarines now in commission in the navies of the world to be about 104, with 100 more authorized and building, making a grand total of 204, divided as per the following table, where the countries are set down in the order of the number of boats:

France	99
England	48
Russia	28
United States	12
Italy	9
Japan	5
Sweden	2
Holland	1
Total	204

Any attempt to make a careful estimate of the relative efficiencies of the various fleets bristles with so many difficulties as to preclude the likelihood of a general acceptance of the conclusions arrived at. To assign first place, however, is not so difficult, and this the author ventures to ascribe to England, counting only vessels actually in commission at the present moment. It has been pointed out above that only about 8 of the French boats can compare in efficiency with the English A class, of which there are 12 in commission, and none of the French boats are considered equal to the English B type, of which 6 are in commission.

To compare individual boats or types is not so difficult provided a standard can be agreed upon and accurate data are available, although any comparison necessarily involves the assumption of substantial equality in qualities and features not included in the comparison. These minor matters necessarily involve questions of opinion which are not capable of exact determination, but except in very rare cases these could hardly be expected to change the general result. The following are universally regarded as the most important military qualities capable of exact definition: Maximum speed light and corresponding radius; maximum speed submerged and corresponding radius; time to submerge from the light condition. And these will be adopted here as a basis for comparison of the British B class, the French "submersible" *Aigrette*, the French "submarine" *Z*, the Lake Company's *Protector*, and the Electric Boat Company's type *7–P*. It is to be regretted that the latest United States type, the *Octopus*, can not be included, but this is impossible at present for reasons given above. These vessels range themselves on the basis assumed as per Table 9:

TABLE No. 9.

Name.	Displacement, submerged.	Maximum surface speed.		Name.	Corresponding radius.		Name.	Maximum submerged speed.		Corresponding radius.	
		Knots.	Relative.		Knots.	Relative.		Knots.	Relative.	Knots.	Relative.
	Tons.										
English, B class.	313	12.5	170	English, B class.	950	396	English, B class.	8.5	224	26	275
Electric Boat Co., type 7-P.	122	9	122	Aigrette.....	385	160	Electric Boat Co., type 7-P.	7	184	25	263
Aigrette.....	262	8.7	117	Electric Boat Co.	315	131	Aigrette.....	6.3	166	19	200
Z.....	202	8.3	112	Lake Protector.	250	104	Z.....	5.8	158	18	190
Lake Protector.	174	7.4	100	Z.....	240	100	Lake Protector.	3.8	100	9.5	100

Here the boats are set down in the order of their merit under the four divisions, irrespective of tonnage, and in the percentage column the lowest results are given a value of 100, so as to express the comparative results of percentages. Here the English B class leads in all divisions, with the Electric Boat Company's type *7–P* second in all divisions except one, and the difference between the highest and lowest results as shown in the percentage column marked "Relative"

is very great; in surface speed 70 per cent, in corresponding radius 296 per cent, in submerged speed 124 per cent, and in corresponding radius 175 per cent. Obviously the neglect of tonnage makes the comparison crude, as the displacement will affect the other qualities; and in addition substantial equality of tonnage is necessary to the assumed equality of features not included in the comparison, such as armament, habitability, etc. To avoid this difficulty Table 10 has been prepared.

In this table the cube root of the displacements has been selected as the divisor, and as this practically eliminates the displacement as a factor, the percentage column shows roughly the relative results that should be obtained on equal displacements, which obviously is the fair way to compare. Here the honors are divided equally between the English *B* class and the Electric Boat Company's type *7–P*, the former excelling in the factor for surface speed and endurance and the latter in submerged speed and endurance. Comparing the best and the worst in each column, we see that there are material differences; thus the English *B* class exceeds the Lake type in surface speed factor by 38.8 per cent, and in endurance exceeds the French *Z* by 242.2 per cent, while the Electric Boat Company's type *7–P* exceeds the Lake type in submerged speed factor by 107.2 per cent, and in endurance by 196.2 per cent.

To make the comparisons for endurance rigorous, all vessels should be reduced to the same speed; that is, the speed of the lowest, a process which brings out in startling fashion the superiority of the higher speed boats. Unfortunately no data are at hand for endurances at the speed of the slowest type, except for the Electric Boat Company's type *7–P*. Here the endurance at 4 5 knots is 90 knots, which, compared with the 7-knot rate, would increase the factor from 5.041 to 18.2, and the percentage figure from 296.2 to 1,071, thus showing a superiority over the Lake type of 971 per cent.

TABLE No. 10.

Name.	Maximum surface speed.		Name.	Corresponding radius.		Name.	Maximum submerged speed.		Corresponding radius.	
	$\frac{V}{\sqrt[3]{D}}$	Relative.		$\frac{R}{\sqrt[3]{D}}$	Relative.		$\frac{V}{\sqrt[3]{D}}$	Relative.	$\frac{R}{\sqrt[3]{D}}$	Relative.
English B	1.841	139	English B	139.9	342	Electric Boat Co., type 7–P.	1.41	207	5.04	296
Electric Boat Co., type 7–P.	1.814	137	Electric Boat Co., type 7–P.	63.5	155	English B	1.25	184	3.83	225
Z	1.414	107	Aigrette	60.2	147	Z	.99	145	3.07	180
Aigrette	1.359	103	Z	44.8	110	Aigrette	.98	144	2.97	174
Lake Protector	1.326	100	Lake Protector	40.9	100	Lake Protector	.68	100	1.70	100

FUTURE DEVELOPMENT.

In his last communication the author was indiscreet enough to suggest certain limits to the displacement for different types of submarines, and as these limits have already been exceeded, it is not proposed to repeat the mistake here. The demands for increased speed, armament, radius of action, etc., still continue; and, as in the case

of the battle ship, the only possible answer now is increased dimensions and displacement. This must continue to be the case until some more compact form for the submerged power plant is evolved. Within the next two years boats of over 500 tons displacement will certainly be completed, and in three or four years a displacement of from 700 to 800 tons is probable. At present the ideal aimed at seems to be a surface speed of 15 knots, with a radius of at least 2,000 knots at that speed, a submerged speed of from 9 to 10 knots with the greatest possible radius, together with sufficient seaworthiness to make the large radius completely effective; but when this is accomplished, as it surely will be, who shall say that a new and higher standard will not then be set?

GENERAL REMARKS.

Reference was made in the introduction to the existence of many commonly accepted errors with regard to submarines, one of which, viz, the distinction between the "submersible" and a "submarine," was there treated. It is proposed here to touch briefly on a few other points regarding which very general misconceptions exist.

Time to construct.—The inexperienced always underestimate the time required for construction. The author has frequently seen the statement that vessels of the size of the *Adder*, 122 tons, could be constructed in four or five months; whereas experience has shown that with ample facilities and complete and perfect plans, working night and day, and no inspection delays, at least a year is required to complete and prepare for trials. Under similar conditions, the construction of larger types will require more time—about eighteen months for vessels of 300 tons. Under normal conditions as to plans and inspection and without night work, the period becomes greater, by from 20 to 30 per cent. The principal reason for this lies in the fact that workmanship of an unusually high grade is required on work of a peculiar and difficult nature, and that the spaces and clearances available are so small as to limit the number of men who can be employed simultaneously.

Air supply.—The ill-informed are constantly putting forth suggestions to remedy imaginary difficulties as to the supply of fresh air for breathing purposes. As a matter of fact, there is no problem of this sort, it being a simple matter to carry sufficient reserves of compressed air to suit all possible conditions; and in addition chemical substances are now available for emergency use, which by the simple addition of water will give off pure oxygen, while the residue will absorb carbonic dioxide. Tests have shown that for all normal service no change need be made in the air supply at all, and while, if put into figures, the number of cubic feet per man per hour is certainly small compared with the standard previously accepted, yet the tests are certainly conclusive. For instance, on the trials of the *Fulton*, previously referred to, eight men remained twelve hours in an air space of 2,000 cubic feet without discomfort or renewal. How much longer they could have remained is not known. In this case the free air per man per hour works out to about 21 cubic feet. The reserve supply in this vessel is sufficient to renew the free air in the boat several times, and of course it is a simple matter to pump the foul air overboard.

Stability.—On this particular subject more misinformation has been published than on any other single feature of submarine design. Limitations of space here forbid anything like a full treatment, and these remarks therefore will be confined principally to the most prominent "delusion" on this subject, viz.

That in order to incline the axis of a submarine for the purpose of diving or rising, its stability submerged must be reduced almost to the vanishing point.

This idea was fathered by an eminent gentleman whose qualifications were composed of an equal mixture of ignorance and prejudice, but whose dictum appears to have as many lives as the proverbial cat. From it as a premise many elaborate theories have been deduced, by which their authors have convinced themselves of the impossibility of accomplishing certain results which are being obtained every day in practice, as well as the inevitability of certain other consequences, dire in their nature, which in practice stubbornly refuse to occur.

As a matter of fact, it is or should be one of the principal objects of the designer to secure the maximum stability possible when submerged, because the turning moment obtained from a stern rudder of moderate size at a moderate angle is ample to secure the largest inclination desirable in practice, usually taken at about 10° or 12°. In practice, then, the stability is not limited in the least by this consideration, and if the necessary construction features would permit, might be increased without material loss of maneuvering power. As the metacenter coincides with the center of buoyancy when submerged, stability can only be increased by raising the center of buoyancy or lowering the center of gravity. The element of weight having the largest influence on the vertical position of the center of gravity is the storage battery, which in practice must be disposed in a rectangular space. Now, considerations of strength require the water-excluding portions of the hull to have substantially circular sections, and these circular sections limit the vertical disposition of the battery, and hence in a large measure fix the stability, the disposition of other weights of course contributing also. In case of boats having a circular section and no water-tight superstructure, the vertical position of the center of buoyancy is also absolutely limited by the section. By fitting wide water-tight superstructures the actual center of buoyancy may be raised, but the metacentric height, far from being increased, is actually decreased. This arises from the fact that such superstructures can not be constructed sufficiently strong to withstand high pressures, hence must be filled with water when submerged. It follows inevitably that the center of gravity is raised as much as the center of buoyancy, leaving the stability intact, but the large weight represented by the large superstructure raises the center of gravity of the hull as a whole, and so diminishes the metacentric height. When the space in the superstructure is used for storage, as it sometimes is, the case is worse, as the fittings so stored generally weigh more than the water they displace, and so serve to further decrease the metacentric height. That the reduction in metacentric height is a material one is easily demonstrable, and is well illustrated by a comparison between two actual vessels, the Lake Boat Company's *Protector* and the Electric Boat Company's type *7-P*. If to the latter we add the superstructure in question, and then move the fuel, the lubricating oil, and the air accumulators up into this superstructure, we would have for stability purposes a substantial duplicate of the former. Now the metacentric

height submerged of type *7-P* is just 64½ per cent greater than that of the *Protector*, the figure in the case of *7-P* being taken from an official determination, and that for the *Protector* from Lieutenant Halligan's paper above referred to.

It is pertinent to remark here that this stubborn fact can not be reconciled with the absurd theory that "diving" boats must necessarily have less stability than "even keel" boats.

The stability submerged is of course the same longitudinally and transversely; the curve being a curve of sines with the maximum righting arm equal to the metacentric height, and occurring at 90°, the total range being 180°.

In the light condition the stability curve for boats without water-tight superstructures is also practically a curve of sines, and as a general thing the metacentric height and righting arms are less than in the submerged condition.

For the other type this is not the case, as the water-plane areas and forms change for different angles due to the water-tight superstructure, and in this case the surface stability is greater than the submerged. As compared with the first type the surface stability would generally be slightly increased.

As compared with the stability curves of ordinary torpedo boats, submarines of both types show a much easier curve with a much longer range. The surface boat will generally have its maximum righting moment between 40° and 50° with a range of from 80° to 110°, as against 90° and 180°, the corresponding figures for the submarine.

A comparison of a typical United States torpedo boat with submarines of the two types yields the following results with regard to the work required to heel them over to 90°, the displacement of the submarines in the light condition being substantially equal to that of the torpedo boat. The figure for the torpedo boat is given a value of 100 in order to express the results as percentages. Torpedo boat, ready for sea, displacement 145, factor 100. Submarine with water-tight superstructure, in light condition, displacement 136, factor 87. Submarine without superstructure, in light condition, displacement 147, factor 82.

These results show that with the submarines in the light condition, there is no startling difference in the amount of work required to heel them to 90° as compared with the surface boat.

In arriving at a conclusion as to the sufficiency of the stability given to the different types, the form and construction must be taken into account; the form so far as the forces tending to produce rolling are concerned, and the construction, so far as it affects the ability to roll heavily without danger of broaching. In both respects, the submarine, particularly the type with circular section, is of course better off than the surface boat.

Submerged control.—It is frequently stated that submarines of the "diving" type—that is, with stern rudders only—pursue when submerged an undulatory course as to depth, the mean of which is the desired depth, and, further, that smooth water and a high degree of skill are necessary to obtain even fair results. This notion does not arise from practical experience with a properly designed boat, but from theoretical considerations which do not take account of all the factors. That stability of motion with this type is possible is an indisputable fact. The author has frequently made submerged runs

for some miles in extent, where the diving rudder was left untouched, and the boat run at a constant depth, no variation being visible on the gauge; and it is his opinion, backed by a very wide experience, that the order of skill required at the diving rudder is about the same as that required for a good helmsman at an ordinary steering rudder. That these vessels can maintain a practically level course in a seaway has been frequently demonstrated, both here and abroad, though the operation requires more skill than in smooth water. The principal difficulty lies in the fact, not that the varying wave pressures seriously affect the movements of the boat, but that the depth gauge does not really record depth but pressure, and hence fluctuates constantly when the boat is running at an even depth in a wave formation. These fluctuations may deceive an inexperienced helmsman and thus lead him to change from the desired depth. This feature also makes it difficult—in fact, impossible—to keep any accurate record of depth maintained in a seaway, which is best judged by surface observation of a mast secured on the submarine. That the amount of variation of the depth gauge while the vessel is running a satisfactory course may be very great is shown by the records of an official acceptance trial of one of the Electric Boat Company's type *7-P* boats, recently held in the North Sea. On this trial a speed of 7 knots was required to be maintained for three hours, the first hour at a depth of 30 feet and the last two hours at 17 feet. A very heavy sea was running, the influence of which was distinctly indicated during the first hour at 30 feet, both by fluctuations of the depth gauge and by the rolling of the boat. This influence was of course much more pronounced during the last two hours at 17 feet, where the variation of the depth gauge was about 10 feet; that is, from 12 to 22 feet. The man at the diving rudder had only had a short experience and no practice whatsoever in a heavy sea, yet the constancy of depth maintained, as observed by the mast, was found to be satisfactory. The waves running were estimated to have an average height of 13 feet.

CONCLUSION.

In conclusion, the author again regrets his inability at the present time to lay before this society some account of the development which has been accomplished here in the construction of the *Viper* class, and of the *Octopus* for the United States Navy. It is, however, no violation of confidence to state that very material progress has been made and that these vessels will show a very decided superiority in all respects over the *Adder* class now in commission.

In preparing the data for the tables above given, all available sources of information have been freely consulted, and where, as was frequently the case, the information was conflicting, the author has used his judgment in the selection. He is especially indebted to Commander Loir, of the French navy, for much valuable information.

DISCUSSION.

Mr. W. D. FORBES, member of council. It is quite natural that when anything, military or civil, is being developed, that failures and troubles are not made public. In other words, gentlemen, that great

educator, the scrap pile, is not worked as it should be for real information; it is an educator we all neglect. I suppose it is pride which keeps from saying more about it. We have heard of the advantages of submarines in this paper, which seems to go so much further than anything ever presented before that I think its value is great, but I would like to ask the author if any comparison could be made between the danger of running, say, torpedo boats on the surface and handling submarines. Can the danger in the submarine be properly gauged? Is not the danger in the submarine so great that it will be a grave question whether it can be made practicable at all times? The newspaper reports are very conflicting, and I suppose quite inaccurate, but I would like to get such information, if it is possible, concerning the accidents in comparison to the number of boats which have been handled.

Capt. WILLIAM HOVGAARD, member. I would like to ask Mr. Spear which are the difficulties which are met with in the use of ordinary petroleum motors instead of gasoline motors for submarine boats? I have already, four years ago, expressed my objection to the use of gasoline for this purpose on account of the dangers which are involved thereby. Ordinary oil, being less dangerous, would be preferable. I understand that the English are trying to produce an oil motor suitable for this purpose, and that they have not yet succeeded; but it appears that the French have obtained satisfactory results with Diesel motors. Both the main factory of the Diesel motors in Augsburg and the related French factories are said to have received large orders for such motors for submarine boats. The German firm, Körting, has constructed a petroleum motor for the Russian submarine boats, and this type is said to be very successful. Perhaps Mr. Spear can explain what are the difficulties met with in this problem.

FRIDAY AFTERNOON SESSION.

The PRESIDENT. The society will now proceed with the discussion upon paper No. 11, "Development of Submarines," by Mr. Spear.

Mr. SIMON LAKE, member. A few days ago I had handed me a copy of the advanced issue of Mr. Spear's paper on "The Development of Submarines," containing comparative tables in which the author had placed to the credit of certain of the boats he refers to higher values and greater percentages of efficiency than the facts and a more complete understanding of the subject warrant.

As the advance copy stated that the paper had been received by the secretary at a very late date, it is not improbable that some of these errors may have crept in through haste and typographical blunders. However, as these advance copies have already received a considerable circulation, I consider it my first duty to answer that paper in its initial form.

Some of Mr. Spear's statements were made, perhaps, through lack of information regarding the Lake type of boat. It is, perhaps, unfortunate from a scientific point of view that business reasons have made the builders of submarine vessels unwilling to give to the public either complete descriptions of their boats or full details of the vessels built by them. Of course, the prime reason for thus withholding information has been the effort to prevent the pirating of features

probably developed at great expense. This secrecy has led to much confusion in the minds of casual investigators bent upon solving the merits and demerits of the various types of submarine craft now forming part of the navies of the world. The speaker has been no exception to this general rule. Therefore it has been impossible for the general public or business rivals to learn of all the good features which exist in the different types.

It is not my purpose to take up the society's valuable time with a discussion of the merits or demerits of any particular type of boat. I take pleasure in giving to the members of this society a few scientific facts, both as to the construction and performance of the even-keel type referred to. I shall confine myself principally to the features touched upon in Mr. Spear's paper—those relating to certain performances of the *Protector*, and to various deductions he has made in reference to buoyancy, stability, speeds, and general capabilities of the Lake type. To give a clear conception of these important features it is necessary to describe briefly the development of this type.

In 1893 there was submitted to the United States Navy Department the first design of a purely level-keel boat. This boat contained the principal elements which go to make up the equipment of the most successful submarines in the leading navies of the world to-day. The plans of that boat were the first draft made public of what is now known as the "Lake even-keel type." At that time all of the boats in the French navy were of the diving type; that is, it was necessary to depress their longitudinal axes from the horizontal in order to get them under water. The *Peral*, of the Spanish navy, was of the diving type. The Holland boats in this country have all been of the diving class and were controlled in a manner similar to that of the earlier French boats.

The novelty of this level-keel boat consisted primarily in providing the vessel with a double hull and in giving her wheels with which she could either run upon the bottom, or which prevented collision of the hull itself with the bottom while still affording a means of contact with the bottom as a guiding medium—the hull of the boat floating submerged a short distance above the water bed.

Its novelty consisted further in providing a diving compartment which offered certain military advantages, and which would afford means for the escape of the crew in case of injury to the main hull of the boat or should she become entangled while submerged and be unable to rise to the surface.

The novelty further consisted in providing a heavy keel which could be released in time of accident—thus permitting the vessel to rise quickly to the surface.

A further novelty lay in providing automatic appliances within the boat for maintaining a level keel—appliances that were designed to counteract any tendency to change trim, should members of the crew move forward or aft while the boat ran in a submerged condition and in suspension.

A further novel feature was the application of side submerging and leveling vanes. These submerging vanes or hydroplanes were for the purpose of overcoming the boat's reserve buoyancy, and the leveling vanes or horizontal rudders were for the purpose of assisting in maintaining a level keel when running submerged. An automatic safety appliance was provided to prevent the vessel from sinking

below a predetermined depth. The vessel was designed to operate on the surface, between the surface and the bottom or on the bottom itself.

This design had for its primary object the construction of a boat that would not tip up on end, as was proved to be the tendency of practically all of the diving boats built up to that time; she was to be readily controlled in a vertical plane and was designed to allow a free movement of the crew while running in a submerged condition.

I have been informed that that design was at that time favorably considered by a number of naval officers of high rank and responsibility, but as the designer did not have a company back of him ready to assume responsibilities incident to construction, and as he had no representative to properly place the case before the Department, it was finally decided to build a vessel of the diving type. Contract for that vessel was awarded early in 1895, under an appropriation of $200,000 and upon the guarantee of performance made by the promotors of that particular type. Work on this vessel, with various changes, continued until 1900, when she was finally abandoned—never having made a submerged run.

On learning that the contract had been awarded for a boat of the diving class a company was organized to build an experimental boat with which to demonstrate the practicability of certain of the novel features of the design as submitted to the Navy Department in 1893—a fairly full description of which appeared in the New York Tribune of October 22, 1894. This experimental vessel was known as the *Argonaut I*, and according to French authority it was her success which led the minister of marine then to recommend the construction of the *Narval*, their first so-called "submersible." It later developed that the *Narval* was in many particulars similar in design and method of operating to that of the level-keel design as submitted to the United States Navy Department in 1893. This was notably so in that the French abandoned in the *Narval* the exclusive use of the stern rudder for diving purposes and had substituted the side hydroplanes. They also lowered the center of gravity of the boat by adding a drop keel, and the hull was of double construction. She was launched, as Mr. Spear has stated in his article, in 1889, nearly six years after the plans of the first Lake even-keel submersible had been submitted to the United States Navy Department.

In 1900, after the failure and abandonment of the Government's first diving submarine, interest in the even-keel type was aroused in Washington, and a representative of that type was asked to appear before the Board of Construction that he might explain the merits of that type of boat, the success of the experimental boat, the *Argonaut I*, having led a number of the officials to believe that the problem of successful submarine navigation had finally been demonstrated. The designer of this type was very glad to appear before the officials of the Department, and later took with him a model and plan for three different sizes of submarine torpedo boats. The members of the Board of Construction at that time were as follows: Rear-Admiral Charles O'Neil, Rear-Admiral George W. Melville, Rear-Admiral Francis T. Bowles, Rear-Admiral Royal B. Bradford, and Capt. Charles D. Sigsbee.

The encouragement given by the members of the Board of Construction, in the form of a personal approval of the plans and the

principles of said type, was sufficient stimulus to lead to the construction of the *Protector*, several times referred to in Mr. Spear's paper The members of this society here present will easily understand how much weight the opinion of the Chief Constructor then carried with the designer of the level-keel type—an opinion which was subsequently confirmed in his testimony before the House Naval Committee in May, 1902. He said (see H. R. document No. 123):

The design includes some features that are different from the Holland boat, and some that are additional. Of the two principal features of difference, one is the method by which the Lake boat changes level when under way. That is a difference in principle. Most people who study the submarine boat hold the opinion that it is better to change levels while under way by maintaining a level keel, and that would be by the use of what are called hydroplanes.

The Chief Constructor further said:

In regard to the Lake boat, I have listened to Mr. Lake describe his boat twice, and I have made an examination of the plans which he submitted. I have not gone so far as to express an opinion upon the boat. I feel, however, that the principles upon which Mr. Lake has designed his boat are those usually recognized as correct, and that the success of his boat depends entirely, as it does particularly for all submarine boats, upon the successful working out of the details to represent his ideas; and upon that no one can express an opinion until the boat has been tried.

Before the *Protector* was completed an appropriation was passed calling for competitive trials of submarine boats in order to determine the respective merits of the rival boats then under construction in this country. On page 157 of his paper Mr. Spear says, in speaking of the *Protector:*

Although originally entered, she was eventually withdrawn by the owner without trial.

This calls for an explanation. The *Protector* was ready for trial early in June, 1903, and the Navy Department was so advised. The owners of the *Protector* referred to by Mr. Spear made every effort to secure a competitive trial with any one of the diving boats then in the United States service, but the naval authorities were reluctant to do this so long as the Holland Torpedo Boat Company promised to complete its boat, the *Fulton*, in time for competition within the term provided for by the appropriation. When the Lake Torpedo Boat Company, after an expensive delay of some months, again sought the Department to give the *Protector* an immediate trial, the Secretary of the Navy called for the president of the Board of Inspection and Survey, Capt. C. Train. Congressman E. J. Hill, of Connecticut, said to the Secretary of the Navy and Captain Train—as Mr. Hill has testified (see Congressional Record):

Gentlemen, I ask you now to carry out the spirit of the legislation of last year and put a Government boat in this competition; you have six of them. Captain Train replied to me: "It is absolutely useless. I am ready to admit now that the *Protector* outclasses anything that the Government has." That was the reply made to me in the presence of the Secretary of the Navy. I then said: "Go on with your competition on the 16th of November." On that date Mr. Lake's boat, the *Protector*, was at Newport, not towed there by somebody else, but going under her own power from Bridgeport, Conn., to Newport, and towing a schooner all the way in addition.

There were three boats of the *Adder* type in commission at Newport at that time, but the Department would not assent to a competitive trial, as testified to by Mr. Hill, the Secretary of the Navy and Captain Train having opposed such a competition on the ground that the

Holland Company had requested further delays in order to make changes and improvements upon the *Fulton*.

On page 158 Mr. Spear refers to inferior speed results of the *Protector* as follows:

> These inferior results as to speed were ascribed by the inventor to a defect in the design of the propeller, but as substantially the same results were later achieved in Russia, after the propellers had been changed, and as these data are verified by results obtained from sister ships, they must be accepted as the best of which the design is capable.

In the preliminary trials of the *Protector*, before her first propellers had been injured, she developed over a measured mile course a speed of 10.65 knots on the surface, and showed something better than 6 knots submerged. The propellers were 45 inches in diameter, and as they showed considerable slip—in fact, over 30 per cent—it was considered advantageous to change them. Accordingly, one of the propeller experts of one of the largest and most experienced propeller manufacturers in the United States was consulted. He gave the opinion that the propeller did not have sufficient diameter, and blade area, and stated that the best results could be obtained by considerable increase in each of these particulars. In accordance with this expert's advice new propellers were ordered, but the result was very unsatisfactory. I am sure every member having to do with propeller problems will realize that it is a common difficulty with no particular reference to the submarine problem as a whole.

The propellers for the *Protector*, just described, were fitted to her the day before she left Bridgeport for Newport, in November, 1903. Having no time prior to that long run to try out these new screws, it was not until after reaching Newport that it was discovered that screws No. 2 were not nearly as good as the boat's first propellers. It was the results secured with screws No. 2 that Mr. Spear has used in his paper before this society and upon which he has based all of his deductions in reference to the *Protector* and her percentage of merit, in the tables he has submitted, so far as speeds are concerned. The speeds which he quotes were never verified by official inquiry, and the data was given to the president of the Board of Inspection and Survey upon the arrival of that body at Newport in January, 1904. It may make the case somewhat plainer to quote directly from that letter, which reads as follows (page 690, H. Doc. 75, 1905):

> THE LAKE TORPEDO BOAT COMPANY,
> *Newport, R. I., January 11, 1904.*
>
> SIR: It is our desire to anticipate the examination of the *Protector* by the Board of of Inspection and Survey by a brief statement regarding certain of the present features of the boat. We believe we may thus facilitate the board's work and help to a better understanding of the craft's condition and probable performance.
>
> The speed and endurance of the *Protector* will fall considerably below our original estimate. This will be due to the present inefficient screws, fitted the day we left Bridgeport, which have been tried out progressively over the official mile course since our arrival here. The results of these trials are given in the following table, which we will be glad to have verified by the board and incorporated accordingly in its report. It will be seen that the ratio of slip is out of all reason and that speeds are way below the proper resultants of the power of the engines under their various conditions. New screws have been designed, based upon the findings of these performances, and corrections have been made which promise us a speed of 10 knots under light cruising condition.

Average runs of "Protector" over Government course of 1 knot at Newport.

Trial number.	Average time.	Pitch.	Revolution per.	Speed revolution.	Actual speed.	Developed horsepower.	Slip.	Slip.	Remarks.
	Ft. In.	*Ft. In.*			*Knots.*		*Knots.*	*Per ct.*	
1	9 50	4 0	280	11.2	6.1	224	5.1	45	Engines alone, water in after tanks
2	8 00	5 0	240	12.0	7.5	192	4.5	37	and superstructure to get stern down.
3	8 30	4 5	264	11.88	7.44	211	4.44	37	Engines only, no water in tanks.
4	7 30	5 0	312	15.6	8.0	390	7.6	49	Engines and motors.
5	10 00	5 0	175	8.75	6.0	140	2.75	34	Engines alone not very steady owing to slow speed.
6	15 30	2 0	.....	.....	3.8	100	.....	.....	Motors alone, submerged.

In trial No. 4 the engines developed 249 horsepower and the motors 141 horsepower, making a total of 390 horsepower for both.

The installation of these new screws, which must await return to our home waters, where proper mechanical faciliites may be secured, will involve the fitting of new shafts and a modification and rearrangement of our rudders, both vertical and horizontal. The change to the vertical rudder will be a material improvement to the navigational power of the boat by bringing that rudder directly in the sweep of the thrust from the propellers.

It will be noted by reference to the foregoing table that the boat really went slower as more power was applied to the screws. This was owing entirely to the inefficiency of the propeller and had nothing whatever to do with the working of the boat as a submarine pure and simple and the problems directly associated therewith. I should like to call the attention of the members of this society to the very curious fact that with 30 horsepower more the boat made 1½ knots less speed. The developed area of the propeller was 65 per cent of the disk area, and the number of blades was 3. Not being a propeller expert, I am unable to explain the results, but it has since been suggested by other experts that the revolutions were so high, the pitch of the propeller so small, and the projected area in its relation to disk area so great that the water did not have a chance to get to the blades of the propeller at the increased number of revolutions which were secured by reducing the pitch. The efficiency of the screws decreased more rapidly than the additional horsepower applied could counterbalance; consequently the ship went slower.

Under these circumstances, knowing that the *Protector* had already made much better speed, and bearing in mind that the vessel had been developed at great private expense, the owners felt justified in asking that the board try out the boat in all other respects—especially as the *Fulton* had not arrived; in fact did not do so until five months later, and the deliberate examination of the *Protector* could otherwise in no way impose limitations or inconvenience to anyone else. Her owners wanted the boat examined in all the other aspects of a submarine craft and asked consideration of these particulars in so far as they related to the reliability, the habitability, the safety, the ease of control, and the general adaptability of the boat for war purposes. The *Protector* at that time had been in commission for nearly a year, and during that period had spent several months at Newport, making frequent runs in the presence of officers there on duty.

There are some peculiar things about these propellers which will interest the propeller experts of the society. I have here three sketches of the propellers used on the *Protector*. Propeller No. 1 was the first propeller used on the *Protector* and the most efficient one. Propeller No. 2 is the one used which gave the poor results and which were used by Mr. Spear in his article. I will not mention the name of the firm which made this propeller, but from the tables submitted to the president of the board you will note that with 30 horsepower more going through the propeller, when the blades of same were set at 4 feet pitch, and at 280 revolutions, the boat went nearly a knot and a half slower than she did with 5 feet pitch turning only 240 revolutions. In other words, with 30 horsepower more she went practically a knot and a half less.

As I have previously stated, these propellers were put on the day before we left Bridgeport and there was no opportunity for trying them out until we arrived on the official course at Newport. There was no time then to change back to the first design, as new hubs and shafts had been fitted to accommodate these so-called "improved" propellers.

On the 12th of January the *Protector* started out to run her trials over the official measured mile course, but when arriving at the place of trial in Narragansett Bay large floes of ice were encountered and, notwithstanding that her owners were willing and anxious to run the submerged trials, the board decided to postpone the tests until the following spring, remarking that the *Fulton* might then be ready. The *Fulton* did not appear, however, until the *Protector* was put out of commission after being sold to go abroad.

It may be pertinent to state here that an army board examined the *Protector* a week later, under even more trying conditions, and the performance of the boat on that occasion was deemed sufficient warrant to recommend the immediate purchase of 5 of that type.

The record of No. 2 propeller tests was submitted purely with the frank intent of showing the peculiarities and inefficiency of the screws which expert judgment had prescribed. That record, however, has been circulated in many countries, and many people, not aware of the true conditions, have been led to believe that those figures were really the *Protector's* trial figures, as actually determined by the United States naval board of inspection and survey. As a matter of fact, those figures were nothing like as good as the boat had previously made, nor as good as she did on her trials abroad preliminary to her acceptance by the Russian Government. Upon the departure of the board in January, 1904, the *Protector* was docked, and an opportunity taken to convert the improved screws into old junk.

The speaker then designed a screw of still greater diameter, but as I have already stated, I am not a propeller expert, and while these No. 3 screws gave better results than screws No. 2, their efficiency was not as great as that of the screws originally fitted to the boat. These No. 3 screws were the ones, however, used on the official trials, preliminary to the acceptance of the *Protector* by the Russian authorities. I beg the indulgence of this society while I read that report

OFFICIAL RUSSIAN REPORT UPON TRIAL OF THE LAKE BOAT PROTECTOR, NOW THE OSETR OF THE RUSSIAN NAVY.

On the 25th, 26th, 27th, and 28th of September, 1904 (old style), the commission appointed by the general staff of the Imperial Russian Marine on the 11th of September, 1904, under order No. 16094, directed the trials of the torpedo boat *Osetr* during the run from Kronstadt to Björkö Sound and in Björkö Sound itself.

The commission, under the presidency of Commander M. Becklemicheff, was composed of the following members: Commander Golovnine, Lieutenant von Schulz, fourth, Lieutenant Gadd, with the assistance of the following representatives of the naval technical committee: Captain Zalessky; head shipbuilder's assistant, Mr. Gavliloff; head machinist's assistant, Mr. Karpoff.

The run of the 28th of September from Kronstadt to and over the measured mile, and from there to the place of the principal trials in Björkö Sound, was made quite successfully. In the above run both gasoline engines were used alone, working with benzine, except over the measured mile, when the engines worked in conjunction with the motors.

The average speed of the run was, at 248 revolutions, at the rate of 6.75 knots.

On the measured mile the inventor adjusted the propellers at the most advantageous pitch. The engines worked during the entire run without any trouble.

After arrival at Björkö Sound, alongside of the school-ship *Oprychnik*, a diver was sent out from the diving compartment of the *Osetr* to a depth of 5 fathoms and executed successfully the order given by the commission, consisting of picking and handing into the compartment an electric lamp which had been lowered from the *Oprychnik*.

The following trials were made on the 26th of September:

The transition from the position on the surface (normal-cruising condition) to the awash, or half-submerged condition (war-time cruising condition) was made in eleven minutes, by filling the superstructure by means of pumps. In this condition the deck of the superstructure is on a level with the surface of the water.

After that the check valves of the ballast tanks were opened and tank No. 1 forward and tank No. 1 aft were filled with water. The time required for filling was between two and three minutes. The boat submerged to the top of the coning tower. In this condition the sensibility of the boat to the longitudinal changing of weights was as follows:

Twenty puds (720 pounds), moved for a distance of 20 feet, produced an inclination of 3½.

Then the boat was sent ahead, and the time required for the distance of 0.88 mile, in a completely submerged condition, at the forced speed of the motors, was nine and one-half minutes; that is, the speed was 5.6 knots.

From the last-mentioned position, the speed of descent was determined. Six fathoms of the anchor's cables having been released, and the central ballast tank having been filled, the boat descended in fifty-eight seconds to a depth of 62 feet.

On the same day a trial was made of firing wooden blocks (dummy torpedoes) from the forward topedo tubes by means of air pressure, in war cruising (awash) condition. The trial was quite successful. No change in the trim of the boat was observed. A firing pressure of 60 pounds was used.

A trial of running on wheels was made. This without doubt is quite possible on a smooth bottom, and the passage of the wheels over small stones was successfully executed. The commission considers the wheels very useful to prevent injury to the hull of the boat.

On the 27th of September the following runs were made on the measured distance of 0.88 mile, and the speeds made were as follows:

(1) Normal cruising condition, engines only, 8½ knots, at 240 revolutions.

(2) Normal cruising condition, engine and motors combined, 9.3 knots, at 300 revolutions.

(3) War cruising condition (conning tower awash), engines only, 7.4 knots, at 224 revolutions.

(4) Submerged, motors only, at the normal discharge rate, 5.4 knots, at a pitch of 2½ feet, 300 amperes and 115 volts. (The full speed submerged was slightly over 6 knots.)

The change from the engines to the motors was made in fifteen seconds.

The time consumed in passing from the war cruising (awash) condition of the boat under engines, conning tower only above the water, to the totally submerged condition, with motors, was one minute and fifty-five seconds.

The change from the engines to the motors was made in fifteen seconds.

The time consumed in passing from the war cruising (awash) condition of the boat under engines, conning tower only above the water, to the totally submerged condition, with motors, was one minute and fifty-five seconds.

In addition trials of trolling, or grappling for mines through the cock in the diving door, while running along the bottom were made. The difficulty of such work on a rocky bottom was shown, and success on a rocky and irregular bottom is very doubtful.

In view of the above results, the commission decided as follows:

The boat maneuvers easily, maintains well uniform depth, and is suitable for coast defense. The boat can be accepted by the Government after the teaching of the crew.

In addition, the commission considers the following repairs and changes as necessary:

(1) To tighten the air compressor.

(2) To change the wood in the port side clutches.

(3) To supply the boat with a new omniscope. (Still later pattern.)

(4) To replace part of the wooden bulkhead on which the rheostat is fitted with incombustible material—asbestos or slate.

(5) To present drawings of the boat, its motors, and other details.

(Signed by the president and members of the commission, and the representatives of the naval technical committee assisting.)

From this report it will be seen that Mr. Spear's tables, at least so far as they relate to the *Protector*, are unreliable. If Mr. Spear will submit the full report of the Russian trials of the *Fulton* and those of the other competing types tried by the Russian naval authorities, perhaps better and more accurate deductions could be drawn as to the relative efficiency of the different boats tested by the Imperial authorities.

In the speaker's judgment, speed is not the first essential in a successful submarine boat. The United States Navy Department, in 1893, when asking inventors to submit designs for under-water craft, placed safety at the head of the requirements. The order of importance in which the various elements were officially given, was as follows: First, safety; second, facility and certainty of action when submerged; third, speed when running on the surface; fourth, speed when submerged; fifth, endurance, both submerged and on the surface; sixth, offensive power; seventh, stability; eighth, visibility of object to be attacked.

Had the navies of the world followed this order of valuation of desired elements in the designs of their submarines, the lives of sixty odd persons need not have been sacrificed, as they have been during the past three years, by disasters to submarines.

In making any comparative table it is not possible to secure a true estimate of the relative merits without considering the elements above named; and should any change be made in that scale of values, no change of position could excusably alter the prime and vital importance of safety.

I am willing to concede that, perhaps, the cigar-shaped form of vessel is capable of greater speed when running submerged than is possible with other forms upon a fixed measure of displacement and power, but I contend, without fear of authoritative contradiction, that experience with the diving type of vessel, during the past one hundred years, has shown that it is too unstable and unreliable to be safe.

According to numerous official reports, both in this country and abroad, it has been shown that this cigar-shaped form of hull, common to the diving type, has a tendency to cause the boat to make sudden and unexpected head-first dives. In these reports it is shown that it is necessary for the crew to remain at their stations, and that a very delicate adjustment of ballast, and men of long training and quick juggling skill, are required to navigate and to control these boats when running submerged.

I shall not take your time to read extracts from the numerous reports made upon this line. Sir William White, Prof. J. H. Biles, Rear Admiral Melville, Rear Admiral O'Neil, Capt. Edgar Lees, and Captain Bacon, have amply testified in the various discussions and hearings upon the subject of the submarine, and the accidents that have happened to that class of vessel.

Mr. Spear has implied by his discussion of the question of stability that a boat with a water-tight superstructure has less stability than one without a superstructure; and for the purpose of making his point he has taken the *Protector* as a type and has assumed conditions which do not exist in modern boats of the Lake type, fitted with superstructures. He will, perhaps, be surprised to learn that in some of the Lake boats now under construction the center of buoyancy is as much as 22 inches above the center of gravity when in a submerged condition.

I doubt if any of the diving boats in existence have half of this. Even the *Protector*, referred to by Mr. Spear, must have had greater stability than the *Fulton*, according to the official reports of the operations of these rival boats.

There is an old saying that "the proof of the pudding is in the eating." In the official trials of the *Protector* in Russian waters there were 19 persons on board, including the officers of the commission and a Russian trial crew undergoing instructions and her own crew. These men were permitted to move freely about in the boat.

In the later boats several men have moved at one time from the extreme forward end of the boat to the extreme after end of the vessel, while running submerged, without changing the depth of submergence more than a few inches.

In discussing stability, Mr. Spear says:

> By fitting water-tight superstructures the actual center of buoyancy may be raised, but the metacentric height, far from being increased, is actually decreased. This arises from the fact that such superstructures can not be constructed sufficiently strong to withstand high pressures, hence must be filled with water when submerged. It follows inevitably that the center of gravity is raised as much as the center of buoyancy, leaving the stability intact, but the large weight represented by the large superstructure raises the center of gravity of the hull as a whole, and so diminishes the metacentric height.

The first mistake is in the assumption that by admitting water into the superstructure the center of gravity is raised. He has lost sight of the fact that, when submerging, water is also admitted into the lower ballast tanks, and that if more water is admitted into the lower tanks below the normal center of buoyancy than is admitted in the superstructure above the center of buoyancy the center of gravity in a submerged condition may also be lowered.

The next wrong assumption is that the air and fuel tanks used for storage purposes "generally weigh more than the water they displace and so serve to further decrease the metacentric height."

As a matter of fact, the fuel tanks, as used in the Lake boats, even when filled with gasoline, weigh less than the water they displace, and consequently add a buoyant moment well above the center of gravity of the boat when she is in a submerged condition.

In the latest type of Lake boats the cigar-shaped form of hull has been abandoned, thereby raising the center of buoyancy of the main hull 6 inches above the center of buoyancy of a corresponding hull of cigar-shaped form. The superstructure itself, even when filled *with water, adds a large* buoyant moment several feet above the

center of gravity. This is owing to the buoyant character of its construction. As a result it is possible to secure a form giving a difference of 22 inches between the center of buoyancy and the center of gravity when the boat is in a submerged condition. I do not believe that it is possible to distribute the machinery in a hull of cigar-shaped form so as to get a difference at best of more than 10 inches between the center of buoyancy and the center of gravity of such a vessel submerged.

I would like to call the attention of the members to the sketches showing the difference between the stability capable of being attained with the cigar-shaped form of hull as used in the diving type of boats and the form of hull used in the submersible type, herein referred to, with buoyant superstructure and hull of different form.

There is sufficient testimony to the point that the diving submarine must be run at a considerable speed in order to get her under water, unless her reserve of buoyancy is very small and her longitudinal stability slight. The greater the stability of the diving boat, the higher must be her speed in order to enable the vessel to make her initial plunge. Model experimental tank trials and the fatal records of the past three years have shown that there are certain forces exerted at the bow of a spindle-form diving boat which exert a down pull at higher speeds and tend to make the boat plunge when least expected.

The British may be said, I think without fear of contradiction, to have brought the diving type to its highest state of perfection. But notwithstanding this, the numerous fatal disasters and narrow escapes from serious mishaps among their submarines have caused them, as I was recently informed by a British officer in an authoritative position, to abandon the exclusive use of the stern rudder and, to quote this officer, "to adopt the hydroplane as their means of submergence."

According to a recent article by Sir William White (see p. 948 of the Journal of the American Society of Naval Engineers, August, 1906), they have also adopted the water-tight superstructure. This water-tight superstructure as applied to the Lake boats gives greater seaworthiness and affords greater stability, both in the surface and in the submerged condition. It will therefore be seen that all the important navies of the world have finally adopted in their submarines at least two of the novel features at first described and shown in the plans of the even-keel Lake type, as submitted to the United States Navy Department in 1893.

In May, 1902, before the Committee on Naval Affairs in the House of Representatives, Mr. Spear, while discussing the Lake boat, had this to say in reference to the *Protector*, then building:

> Now, he has what he calls "hydroplanes," an auxiliary method for coming up. Hydroplanes are nothing but names, steel planes hung in the middle of the ship, the inclination of which you can change if you like. They are designed to lift the vessel or to lower her bodily in the water. Let us assume that he has to go up from the bottom with his hydroplanes. I started out on the assumption that everything that Captain Lake hoped to do is to be carried out. As an expert I do not think he will make his hydroplanes work, because they have been tried for twenty or thirty years and have been discarded. It is an old idea and will not work.

The operation of the hydroplanes is then described by Mr. Spear, and he further states:

> It has never been worked successfully yet. Captain Lake has not worked his boat successfully and will never work a boat that way. It is what he hopes to do with

his new boat, but it has never been worked, and it has been tried time out of mind by all the experts. The *Argonaut* has not developed those things. Nordenfeldt worked on it for years. Mr. Nordenfeldt's boat was not of the Holland type; that was the trouble. It was an even-keel boat, like Mr. Lake's. This dictum about the necessity of keeping the keel parallel and horizontal was laid down by Mr. Nordenfeldt and has never been based on any sound reasoning or any sound theory or common sense or experience.

Since that statement was made every nation building submarines abroad, so far as the speaker's knowledge goes, has finally adopted the hydroplane. It might have been wise had Mr. Spear been more cautious in his prejudgment of the *Protector* and the success of the hydroplane, as the hydroplanes of the *Protector* were never modified or changed in anyway, and they worked with precision and complete success from the date of the boat's initial submergence.

Mr. Spear does not give a description of the new boats now under construction, but a public photograph of one of them shows something attached to the superstructure which looks suspiciously like hydroplanes. It therefore looks as if the author of the paper on the "Development of the Submarine," like the submarine designers abroad, has finally recognized the importance of at least one of the features which in 1892 he wished to be placed on record as stating they "will not work."

For the sake of the brave fellows who go down in the sea in submarine boats, let us hope that safety and reliability of action in the semisubmerged and submerged condition will be the paramount factors in controlling future designs of submarine craft.

Mr. L. Y. SPEAR. Mr. Forbes has raised the question of the danger involved in handling submarine boats. Anything like a complete discussion of that phase of the subject is prohibited here by limitations of space. I would refer him and others interested in that aspect of the matter to a paper written by Capt. R. H. Bacon, R. N., D. S. O., before the British Institution of Naval Architects in 1905. Captain Bacon, now commanding the *Dreadnought*, was formerly in charge of all the British submarines, and his reputation as a practical expert submarine officer is of the highest order. He gives a clear exposition of the causes leading up to the accidents which have already occurred and in his conclusion, in which I heartily concur, he says:

In conclusion, I hope that I have been able to put impartially before you the relative safety of submarine vessels compared to that of surface craft. That the danger of the work is apt to be exaggerated I think you will all concede. That it requires constant care goes without saying, but with the exercise of such care no apprehension need exist of a larger percentage of accidents than in other branches of the service. That with the increase in numbers of the boats accidents will occasionally occur is undoubted for wherever large quantities of energy are stored in an easily available state danger must exist, but that this is present to an exaggerated extent in the case of submarine boats is not a fact. Nowhere is the extent of possible danger known better than among those who man the boats, and nowhere would the idea of excessive liability to accident be more scouted.

There is, however, another class of danger that may exist, though at present it does not do so, and that is that in the desire to avoid all risks the efficiency of the boats may be reduced both by constructural limitations and also by curtailing their practical maneuvering by subjecting them to work less stringent than that which simulates war conditions. Much better have no boats at all than allow such limitations to creep in. At present we can safely say that all the work the boats do is up to the full requirements of war training, and that neither of the two lamentable accidents to the boats have in anyway detracted from the severity of the tactical work. The sympathy of the whole country with the sad fate of those splendid men who, being volunteers, were the pick of the service, is apt to lead to exaggeration of the real danger of the

work. It is rather outside the navy than in it that apprehension as to the safe use of the boats arises.

In making any comparison between the safety of submarines and other types of war vessels it must always be remembered that dangers of the submarine in war time are very little increased over those involved in peace maneuvers, since she is immune from gun fire. This, of course, is not the case with any other type of vessel. In making a fair comparison of the dangers in a submarine and in an ordinary torpedo boat we must assume that the latter is underway at full speed, and in that case it is my judgment, after a very considerable experience with both types, that the men in the engine and fire rooms of the surface boat are in greater danger than those in a submarine when submerged. History appears also to indicate that there is much less danger in a submarine than there is in a gun turret during target practice when full charges are being fired.

The exact statistics as to the number of submerged operations and the number of boats involved therein are not available, but it is estimated that within the last six years over 75,000 submergencies have been made by modern submarines. Out of this 75,000 only 3 resulted fatally—one due to a collision (the English *A-1*), one due to an improperly closed hatch (the French *Farfadet*), and one due to faulty construction (the French *Lutin*). None of these accidents were really due to causes inherent in the particular types of submarine boats affected, nor, indeed, in any type, the means and methods of submergence not being involved in any way. The record speaks for itself, and certainly indicates that the danger involved is much more imaginary than real. Owing to the novel character of the work, it is natural that the danger should be exaggerated, and, moreover, it has been still further magnified by unwarranted statements having no other justification than the business necessities of those advocating a particular type of boat.

Captain Hovgaard has asked why we do not use heavy oil engines instead of gasoline engines, on account of the greater safety of the heavy oil. To that I would reply that so far there has been no heavy oil engine developed entirely suitable and satisfactory for this work. I believe, however, that I am within the truth in saying that the problem is almost solved. A solution has been most diligently sought both here and abroad, and in the last few years very promising results have been achieved. The main difficulty lies in the fact that kerosene and the heavy oils generally are more difficult to vaporize than gasoline, and to get proper and clean combustion the oil must be held within strictly definite limits of temperature, which limits vary with different grades of oil. If this is not done, a hard carbon is formed during combustion and deposited in the interior of the engine, involving many difficulties. This is the reason that so many of the experimental heavy oil engines will run successfully for twenty-four or forty-eight hours, but become a constant source of trouble after a few weeks or months of service. I do not mean to be understood as saying that there is no such thing as a successful kerosene engine for small power, but as yet in large powers there is nothing that compares with the gasoline engine. The Diesel engine, spoken of by Captain Hovgaard, is in my judgment very unsuitable for this work, and my information is that it has so proved in practice in France. Nevertheless, I do not doubt that the change will be made in the near future. I think, however, that the dangers involved by

the use of gasoline are apt to be overestimated. Gasoline is carried in all types of submarines in closed receptacles, and even if it were possible to introduce a spark into the tank there would not necessarily be an explosion, since a condition precedent to an explosion is a mixture of air and gasoline vapor in certain proportions, generally assumed to vary between 8 and 20 parts of air to 1 part of vapor. The only danger which now exists is the leakage of small quantities of gasoline into the interior of the boat. When the gasoline connections are open—that is, when the engines are in use—a very large volume of air is being continually drawn from the interior of the boat by the engines. This naturally tends to give good ventilation, so that even in the event of a very small leak there is little likelihood of an explosion. There is no unsurmountable difficulty in so constructing the system that there can be absolutely no leakage. Of course it requires care and experience. Carelessness in constructing or incompetence in handling may result in trouble.

Turning now to Mr. Lake's very extensive remarks and leaving aside for the moment the great bulk of historical matter therein contained, I shall confine myself to the two points in my paper to which Mr. Lake takes some exception, viz, first, the question of the actual and relative speeds, endurances, etc., of the *Protector* class; and, second, the question of the actual and relative stability of that type.

The authority for the speeds ascribed to the *Protector* class was clearly given in the body of the paper, wherein it was also noted that somewhat higher speeds had been accredited in Russia, not only to the *Protector* class, but to the Electric Boat Company's type *7–P*. As the comparison, however, included not only these two types, but an English and two French types, it was not thought desirable or fair to use the Russian results in comparison, since this would unduly favor both the Electric Boat Company's type *7–P* and the *Protector* class. So far as a comparison between the two latter types is concerned, the results are practically the same, whether we take the average records from the Russian trials or from the trials in other countries. At Mr. Lake's request, I have submitted some Russian figures to the same processes as those used in the body of the paper, and the following tables are the results thereof:

TABLE No. 11.

Name.	Maximum surface speed under engines.			Corresponding radius.			Submerged speed.			Corresponding radius.		
	Trial speed.	$\frac{V}{\sqrt[6]{D}}$	Relative.	Radius.	$\frac{R}{\sqrt[3]{D}}$	Relative.	Trial speed.	$\frac{V}{\sqrt[6]{D}}$	Relative.	Radius.	$\frac{R}{\sqrt[3]{D}}$	Relative.
Electric Boat Company's Fulton...	9.4	1.895	124.4	329	66.34	132	7.6	1.532	158	28	5.646	286.5
Lake Company's Protector.....	8.5	1.523	100	280	50.18	100	5.4	.9677	100	11	1.971	100

TABLE No. 12.

Electric Boat Company. Type: 7-P, Steriyad, May, 1906.....	9.5	1.915	142.5	342	68.96	154	7.6	1.532	186	23	4.637	281
Lake Company. Protector. Type: Piotva, July, 1905	7.5	1.344	100	250	44.80	100	4.6	0.8244	100	9.2	1.649	100

In Table No. 11 it will be noted that I have used the figures given by Mr. Lake for the speeds of the *Protector* on the Russian trials. I have been unable to verify these figures, and, in fact, I find apparently authentic information in conflict with them. It also appears that there was some question as to an allowance for dirty bottom on these trials. The same considerations apply to the results of the *Fulton's* trials in Russia, and in consequence the comparison should be regarded as of doubtful value, especially since these results do not check with those obtained from sister ships later. Table No. 11, as compared with Table No. 10, shows the following changes in the relative superiority of type *7–F.*—in surface speed from 37 to 24½ per cent; in corresponding radius from 55 to 32 per cent; in submerged speed from 107 to 58 per cent, and in corresponding radius from 196 to 186½ per cent.

Table No. 12 shows the results of the trials of sister ships of the *Fulton* and of the *Protector*, tried in Russia at a later date. As these trials were free from any question of allowance, and as the results approach nearer to the average results obtained in Russia, the comparisons therein shown are unquestionably more accurate than those in Table No. 11.

Comparing these results with those given in Table No. 10, we see that there is no very great change in the relative values. The relative superiority of type *7–P* is changed in surface speed from 37 to 42½ per cent; in corresponding radius from 55 to 54 per cent; in submerged speed from 107 to 86 per cent, and in corresponding radius from 196 to 181 per cent. For a rigorous comparison of submerged endurance—that is, at the same speed—the figures remain practically the same as given in the paper—that is, the Electric Boat Company's type *7–P* shows a superiority over the Lake Company's *Protector* type of about 970 per cent.

It does not seem incumbent upon me to pass my judgment as to whether or not these inferior speed results were due to defective propellers. It is, however, pertinent to remark that the *Plotva*, practically a sister ship of the *Protector*, was not completed until the summer of 1905, two years after the *Protector*. Her builders therefore had an opportunity to use any one of the three propellers which had been used on the *Protector*, and if the results from the first propeller on the latter vessel were so much better than those shown on any trials of which there is official record it seems a curious fact that that propeller was not used on the later boat, particularly when it is understood that the minimum guaranties for that class of boat were 9 knots on the surface and 7 knots submerged.

On the whole, then, it would appear that Table No. 10, setting forth the relative merits of various types as to speeds, radii of action, etc., does no substantial injustice to any particular type so long as we are content to confine ourselves to actual results achieved on official trials. Obviously, when we go outside of this for our data, results become unreliable.

With regard to the question of stability, Mr. Lake does not directly question the figures given in the paper. Nevertheless, in the general discussion of the subject and in the face of those figures, he implies that a lack of stability is an essentail feature of the design of what he terms a "diving submarine." How such contention can be adhered to in the face of the figures without questioning the

latter is beyond my comprehension. In the body of the paper I stated that the actual metacentric height of a 122-ton boat of the diving type was 64½ per cent greater than that of the 174-ton *Protector* of the Lake type. I have carefully examined the figures with regard to the 122-ton boat and find them to be correct, and confirmed by independent determinations. Mr. Lake has himself, in his discussion, unconsciously confirmed the figures I gave as to the *Protector*. He states that in the diving condition a weight of 720 pounds moved a distance of 20 feet in the *Protector* produced an inclination of 3½°. Applying the ordinary formula inclining moment equals displacement times G. M. times sign of the angle of inclination, we find that G. M. in this case works out to 0.61 feet; that is, 7.32 inches.

This confirms the figure I have already given, which is again confirmed by another official determination making the metacentric height of the *Protector* type submerged 0.58 feet, or 6.96 inches. Now, of course the metacentric height is an exact measure of relative stability only when the displacements are equal, and if the dimensions of the 122-ton boat were to be expanded so as to make the displacement 174 tons, the disparity between the metacentric heights would be even greater. The facts which I have given in the body of the paper and reiterated here are incontestable and susceptible of proof. If they conflict with the theories held by Mr. Lake and others, it is unfortunate for the theories. The prime object of placing the facts before this society was to correct an erroneous impression which has arisen from the repeated publication of the false assumption that the diving type of boat must necessarily have less stability than the even-keel type.

As it was the aim of the paper to deal only with established facts, it will not be profitable to enter into any discussion as to what future developments may be with regard to the question of stability. Whether the relative stability of the two types discussed will remain as they are now, or whether they will approach each ohter, or whether eventually the even-keel type will require more stability, is a matter that can not be determined at the present moment, since no accurate data is available. The facts as they stand at present conclusively demonstrate that the best known type of diving boat has greater stability than the best known type of even-keel boat.

Furthermore, that the stability of this type of diving boat is ample in practice and certified to by the records of a great many boats made under varied conditions. This conclusion can be easily verified by reference to many official reports.

Obviously, no designer of submarine boats can afford to neglect the question of safety and he must provide adequately for all the factors involved—strength, stability, etc. After this is done, however, the aim should be toward the development of the military qualities—speed, endurance, rapidity of submergence, armament, etc. It is possible to build a submarine boat which is practically fool-proof, as every particular kind of accident which may happen has some possible remedy, either in the original design or in special device, but by the time the vessel is given up to that sort of thing entirely its military usefulness is destroyed.

It was not part of my original intention to discuss the relative merits and demerits of the system of submergence used by Mr. Lake

and that used by the rest of the world. As the subject, however, has been introduced into the discussion in a general way, it may serve to clarify some ideas if the general question be restated in particular form, while adhering to two particular and established types of boats for which we have accurate data. We may say, "Which is better, a boat having a certain amount of stability and dependent entirely upon that to maintain its longitudinal axis in a desired plane, and nothing but emergency means for mechanically changing the inclination of its axis, or a boat having greater stability and fitted with the necessary mechanical means for overcoming that stability and so controlling absolutely the inclination of its longitudinal axis?" Obviously, if any abnormal forces, either exterior or interior, act to change the inclination, the second vessel will be in much the better position to handle the situation. When we add to these facts the disparity in speeds, endurances, and time required for submergence, the question appears to answer itself.

With regard to what I may term the historical portion of Mr. Lake's remarks, there are many views expressed with which I find myself unable to agree. However, as any elaborate discussion of such historical matter would appear to be out of place before a scientific society of this character, I shall content myself here merely with a comment on one or two points which seem to have an important bearing on the technical side of this question.

In discussing the question of the relative importance of the various features of design, Mr. Lake quotes a circular of the United States Navy Department, dated 1893. It would seem pertinent to remark that the statute of limitations has run on that circular, and that that is the view taken by the Navy Department is apparent from the following quotation from a letter from the Secretary, dated November 30, 1903, and addressed to the Lake Torpedo Boat Company:

> Referring to the third paragraph of your letter, in which you lay particular stress on one of the earliest circulars issued by the Department relative to submarine vessels, viz, that dated April 17, 1893, which was prepared before the Navy was in possession of any submarine vessels, and when the practical knowledge as to the requirements of submarine navigation was extremely limited, you are informed that the requirements of the circular aforesaid, prepared more than ten years ago, and long since superseded by the developments of the art of submarine navigation, are not to be considered in any sense as a basis of the present competitive trials of submarine vessels, and that those trials will be conducted in the light of all the information now available as to the actual needs of vessels engaged in the various operations of submarine warfare.

M. Laubeuf, the designer of the *Narval*, will probably be greatly surprised to find that he drew his ideas from the *Argonaut*, especially as the latter vessel was not a submarine in the full sense of the word in that she only operated on the surface and on the bottom, where she always had connection with the atmosphere through the hollow mast. Mr. Lake is also mistaken in thinking that the *Narval* marked the abandonment by the French of the exclusive use of the stern rudder, the facts being that the experimental work of the *Gymnote* and *Gustave Zédée* resulted in similar rudders being fitted on those vessels prior to the launching of the *Narval*. It might be well here to note also that the *Narval* does not employ the so-called hydroplane. She is fitted with bow and stern rudders, which are handled independently, and she inclines her axis when submerging and rising. The angles used, however, are not great, since the rudders are independent

of each other and therefore can be used to produce not only a turning movement about the center of gravity, but a vertical thrust in addition. In other words, in actual operation, she is intermediate between the pure diving type with stern rudders only and the pure even-keel type, operating by hydroplanes.

In conclusion, in view of the many misstatements and the great amount of misinformation which has been published and republished with regard to the character and achievements of submarine boats, I have in the preparation of this paper endeavored to limit myself so far as possible to facts, which have been definitely ascertained and for which reliable authority can be given, and I have purposely excluded inferences and general theories, except where it was absolutely necessary to illustrate a point, believing that each member of the society interested in the subject should adjust the facts to the theory in his own way and draw his own inferences and conclusions from the results which have actually been accomplished.

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE UNDER HOUSE RESOLUTION 288,
Wednesday, April 15, 1908.

The committee met at 2 o'clock p. m.

All members of the committee were present, except Mr. Broussard.

The CHAIRMAN. The committee will be in order.

TESTIMONY OF CLEMENT E. ADAMS.

Mr. ADAMS, being first duly sworn, on being examined, testified as ollows:

The CHAIRMAN. I will ask Mr. Howard to examine Mr. Adams.

By Mr. HOWARD.

Q. Mr Adams, what is your name, age, place of residence?—A. Clement E. Adams, 42, Bridgeport.

Q. Have you lived there all your life, Mr. Adams?—A. No, sir; I have not. I have been away from Bridgeport for some time and recently returned.

Q. When did you return?—A. In January.

Q. What year?—A. This year.

Q. What are you doing now?—A. I have charge of the books of the Lake Torpedo Boat Company.

Q. What books?—A. Well, the books of account.

Q. What is the official designation of your position?—A. Really, I never had any title. I have been subject to Mr. Simon Lake's call wherever he wanted me.

Q. Subject to what?—A. To Mr. Simon Lake, to go wherever he wished me.

Q. Are you related to Mr. Simon Lake?—A. Yes, sir.

Q. How?—A. By marriage to his sister.

Q. Brother-in-law?—A. Yes, sir.

Q. How long have you been married in the family?—A. Sixteen years.

Q. Prior to January of this year where did you live, Mr. Adams?—A. For about two years in Washington.

Q. Immediately preceding this removal to Bridgeport?—A. Yes.

Q. Where in Washington did you live?—A. 2007 Thirteenth street NW.

Q. How were you employed while you lived there?—A. I had charge of our correspondence and various other duties I was called on to attend to here in Washington; merely clerical duties.

Q. You mean clerical duties pertaining to the books?—A. Of the Lake Torpedo Boat Company.

Q. Have you every occupied any position with the Lake people?—A. No, sir.

Q. Prior to your occupation at Washington where were you living and what were you doing?—A. Pennsylvania Railroad.

Q. Now particularly what were your duties here in Washington for the Lake Torpedo Boat people?—A. Well, I held the office down; really took care of the correspondence.

Q. Where was the office building?—A. 605 Colorado Building.

Q. It has been there all the while?—A. Yes.

Q. Ever since they have had a Washington office?—A. Yes. Well, previous to my coming to Washington it was 618 in the same building.

Q. They had an office here prior to that?—A. Yes, sir.

Q. Where?—A. In the same building, only a different room.

Q. That building has not been here many years, has it?—A. It has been here as long as we have had an office here.

Q. The first office of the Lake Torpedo Boat people in Washington then was in the Colorado Building?—A. Yes, sir.

Q. Did you do anything else besides keep the office down and attend to the correspondence?—A. No, sir.

Q. Did you attend to any business of the company in the Navy Department?—A. Never had any connection with the Navy Department.

Q. Did you ever make any visits to the Navy Department on that basis?—A. I think I was in the Navy Department twice to deliver letters, merely hand them in.

Q. Letters from whom to whom?—A. Letters addressed to the Secretary of the Navy from our vice-president, I suppose.

Q. Do you remember the occasions?—A. Well, one of them contained a certified statement covering model trials. I really do not know what the other was; I can not recall what the other was.

Q. Did you ever know what the other contained?—A. No; I think not. It was forwarded from Bridgeport, I believe, and requested to deliver it in person to the Navy Department.

Q. You made no other visits to the Navy Department on account of the company?—A. Not to my knowledge.

Q. Did you have any acquaintances in the Navy Department—the Bureau of Construction and Repair?—A. No, sir.

Q. Have you any knowledge of any communications from the Navy Department to your company that were forwarded either to Bridgeport or to Berlin, to any person?—A. No, sir.

Q. Do you recall any part of the testimony of Mr. Skerrett about receiving communications from the Navy Department?—A. I have seen mention in the newspapers only of it.

Q. You did not hear his testimony?—A. No, sir.

Q. You did not read the printed reports of his testimony?—A. I have not seen the printed reports.

Q. Did you, yourself, ever send any printed matter or written matter to Bridgeport, coming from the Navy Department?—A. No, sir.

Q. Of any kind?—A. Well, I sent some copies of proposals for submitting submarine boats.

Q. From the Navy Department?—A. From the Navy Department.

Q. Proposals of what effect?—A. Blank proposals printed by the Department for submitting boats for trials.

Q. You have no knowledge whatever, then, of any report or other matter being sent from the Navy Department to your company?—A. No, I have not.

Q. To Mr. Skerrett or any other person?—A. No, sir.

Q. Were you present at any trials of the Lake boats off Newport?—A. No, sir.

Q. Were you ever present at any trial of a Lake boat?—A. No public demonstration.

Q. Were you ever present at any private trials?—A. Merely the testing out of the boats.

Q. Were you present on such an occasion as that?—A. Yes, sir.

Q. When was it; what was the boat?—A. I was on the *Simon Lake 10*, at Newport News.

Q. When?—A. That was about 1905, or the latter part of 1905, as I recall it.

Q. Did you go down in them?—A. Yes, sir.

Q. Do you remember who else did beside her crew—whether there were any guests?—A. Yes; we had on board several foreign representatives.

Q. Anyone else?—A. No one except the employees of the company.

Q. Were you present at more than one of those tests?—A. No, sir; at one only.

Q. Was Mr. Lilley in the party that went down at that time?—A. No, sir.

Q. Was he invited to be, within your knowledge?—A. No; that is in 1905. I never heard Mr. Lilley's name connected with submarines at that time.

Q. You are positive of it, he was not a guest?—A. Oh, yes; positive.

Q. He did not go down on the occasion you refer to?—A. No; we had nothing but foreign representatives on board at that time.

Q. Were you ever present or did you participate in any entertainment in Washington City of any Members of Congress by the Lake boat people?—A. No, sir.

Q. Were you ever present at an entertainment of Members of Congress from Connecticut by the Lake boat people?—A. No, sir.

Q. Were you ever present at an entertainment of Members of Congress from Connecticut in Washington by the Lake boat people?—A. No, sir.

Q. Were you ever present at any entertainment of any Member of Congress at anywhere?—A. No, sir.

Q. Did you extend any invitation to any Member of Congress on behalf of the Lake boat people?—A. Never; no, sir.

Q. Any form or manner of entertainment in Washington?—A. No, sir.

Q. Do you recall the making of any contract between the Navy Department and the Lake Boat Company for the boat now contracted for?—A. I was not in Washington at that time.

Q. Do you know any fact connected with obtaining that contract?—A. In what manner?

Q. In this manner: Did you go to the Navy Department, either alone or in company with any attorney or representative of the Lake company, to insist that they should be given one of those contracts, or some portion of that appropriation for a Lake boat?—A. No, sir.

Q. Are you aware of any arguments that were made, or present and heard any arguments made at the Navy Department on behalf of the Lake Boat Company in connection with such contract?—A. No, sir.

Q. Were you present at the Attorney-General's office when the question was argued before him or presented to him as to the construction of the acts of Congress of 1906 and 1907?—A. No, sir.

Q. Did you have any knowledge that any such proposition was being made to the Attorney-General, either by counsel or any official of the Lake Boat Company?—A. Yes; I knew that such thing did take place.

Q. What did that knowledge consist of; what was it that you knew?—A. I knew that they had petitioned the Secretary to ask for an opinion by the Attorney-General.

Q. Now, how did you know that?—A. Well, by conversation with other parties connected with the company.

Q. What other parties; who particularly?—A. Mr. J. C. Lake.

Q. Do you remember what Mr. Lake said to you or what you heard him say to others on that subject?—A. No; only that the Secretary had consented to present the matter to the Attorney-General.

Q. Did you hear him say anything about how the Secretary of the Navy had come to consent to submit the questions to the Attorney-General?—A. No, sir.

Q. Do you know of any interviews that he had with the Secretary of the Navy on that subject?—A. No, sir.

Q. Do you know how he obtained the consent of the Secretary of the Navy to submit that question?—A. I do not.

Q. What more do you know about it than Mr. Lake's statement to you, J. C. Lake's statement to you that the Secretary of the Navy had consented to submit it to the Attorney-General?—A. That is about all.

Q. When and where was that statement made to you?—A. Made by Mr. J. C. Lake?

Q. Yes.—A. In our Washington office.

Q. Do you remember about what time?—A. No; some time shortly before the affair took place.

Q. Shortly before what?—A. Shortly before the matter was presented to the Attorney-General.

Q. Do you remember when that was?—A. No, I do not; I do not recall the date.

Q. Can you recall the month about, the season of the year?—A. Well, it was in the summer of this year, as I understand it.

Q. Of this year?—A. Of the year 1907.

Q. Do you remember what part of the summer?—A. No, sir.

Q. Do you remember who was present when this was said to you?—A. No, sir; I do not.

Q. Do you remember any of the circumstances connected with it?—A. It may have been a private conversation between the two of us.

Q. Was it or not?—A. I can not recall whether it was or not at this time.

Q. It was regarded as an important occurrence, was it not?—A. Yes.

Q. The first one of the kind that you had ever had in the history of the company?—A. Of that character, yes.

Q. That is what I mean by kind. Had there been some considerable effort to bring it about?—A. I do not know what effort was made.

Q. You have no knowledge that any effort was being made in that direction?—A. I knew there was something going on, but I was not familiar with the facts at all, as it was out of my line. I did not bother with that part of the business.

Q. You felt some little more interest than the transpiring of the office hours in the success of the company, did you not?—A. Yes.

Q. Took note of some matters not particularly connected with holding the office down?—A. Yes.

Q. Do you know anything of the efforts that Mr. J. C. Lake made about this determination on the part of the Attorney-General?—A. No, sir.

Q. Do you know whether he visited any of the officials of the Government of the United States with a view to predisposing them to intercede with the Secretary of the Navy to do this thing?—A. No, sir; I do not.

Q. Did you ever hear any conversation between Mr. Lake and his counsel or any other person?—A. No; I did not.

Q. How long was Mr. Lake here at that time?—A. Mr. Lake spent his time between Bridgeport and Washington; I do not remember how long he stayed at either place at the time.

Q. Do you recall that summer whether he spent a considerable part of the time here in Washington?—A. Yes, sir; he did.

Q. Do you recall how much of it?—A. No; I can not tell you offhand.

Q. Isn't it a fact that he was here in Washington for several months at that time?—A. He was here at intervals during the greater part of the summer.

Q. Simon Lake was not here at that time?—A. No, sir.

Q. Where was he?—A. Somewhere in Europe.

Q. J. C. Lake was practically in control of the interests of the company here in Washington?—A. Yes, sir.

Q. He was the hired official of the company in charge of matters at that time?—A. Yes, sir.

Q. Do you know as a fact that he did not leave Washington until after the Attorney-General had rendered an opinion in the matter?—A. I do not recall the date now. Mr. Lake left Washington some time in July and he was away more or less from that time on.

Q. How long would he remain away from going until the returning?—A. Sometimes it would be two or three weeks.

Q. When he was gone how were you employed?—A. Merely looking after the correspondence.

Q. Writing letters?—A. Yes.

Q. Of your own dictation?—A. Yes, sir.

Q. To whom and what about?—A. Well, it was mostly the expenditures of our office, petty cash expenditures and possibly passing on communications to the Department.

Q. You did not have but two of those communications?—A. No; I am not speaking about personally. You asked me before if I personally visited the Navy Department.

Q. I asked you about personal visits, you said there were two in the two years?—A. Yes, sir.

Q. There were other communications then in writing to the Navy Department?—A. Yes, sir.

Q. Were they of your own origination?—A. No, sir.

Q. What were they; what was the nature of them?—A. I can not tell without referring to our correspondence.

Q. You had no contracts with the Government?—A. No.

Q. You were building no boats for the Government?—A. No, sir.

Q. You were seeking opportunity to do that?—A. Yes.

Q. Then what was the correspondence about?—A. Of course we were trying to get business from the Government.

Q. It was for torpedo boats, submarine-boat business, was it not?—A. Yes; and we were having certain model trials running in their model tank.

Q. That was down at the navy-yard?—A. Yes; it all went through the Secretary of the Navy's hands.

Q. You wrote letters about that?—A. Yes, sir; merely forwarding of the correspondence.

Q. Did you write any letters in forwarding this correspondence; did you write any yourself connected with it?—A. I think so.

Q. Of your own production?—A. I think so; yes.

Q. What did you say about it?—A. Passing on inclosures.

Q. Could those letters not have gone through the mail from Bridgeport to the Secretary of the Navy and been as intelligibly handled without your additional communications noting that they were thereby transmitted?—A. It might possibly; yes.

Q. If, as a matter of fact, a communication was gotten up at Bridgeport about a matter of that kind and you did nothing except to receive it at the Washington office and remail it to the Secretary of the Navy, if it did not originally contain some intelligent thing, it never got intelligent thing into it from anything that you did, did it?—(No answer.)

Q. I merely wanted to know what the extent of the business was during those two years that you were in charge of the office here, fully eighteen months of which you had no contract with the Government?—A. Well, a great part of that time also was taken up with Mr. Lake's private affairs.

Q. His private affairs directed by you from here?—A. In connection with the Patent Office.

Q. Now, what did you do in connection with it?—A. Well, I got up his patent specifications.

Q. Are you an attorney?—A. No; I am not.

Q. Are you skilled in patent matters?—A. No.

Q. What part, then, of his patent application did you make up and get out?—A. The applications, typewriting, etc.

Q. Did you do the original work connected with the application?—A. No.

Q. You merely copied what somebody else told you?—A. Yes.

Q. And that was the private matter of Mr. J. C. Lake?—A. Yes, sir.

Q. And you were employed by the Lake Torpedo Boat Company?—A. And Mr. J. C. Lake.

Q. Who paid you a part of your salary?—A. Yes, sir.

Q. Now how many patent applications did you assist in preparing or copying or have to do with filing in that time?—A. Well, I suppose we got out a dozen or more.

Q. Who assisted you in the matter, or in any of those patent rights?—A. Mr. Lake's patent attorney.

Q. What part of the work did you do, Mr. Adams?—A. Well, I had charge of Mr. Lake's accounts.

Q. He did not remain here permanently, he was only occasionally here and occasionally at Bridgeport?—A. Yes, sir.

Q. Where was his home?—A. Mr. Lake's home is supposed to be in Rutherford, N. J.; that was his legal residence.

Q. Where did he actually spend the time?—A. Hotel Cochran.

Q. Where?—A. Here in Washington, but he has been traveling a great deal with Mrs. Lake, who was in ill health.

Q. During those two years?—A. A part of that time.

Q. Now, when he was not traveling?—A. He stopped both in Bridgeport and Washington.

Q. Do you know when he left New York in the month of March?—A. Yes, sir.

Q. Did you see him before he left?—A. Yes, sir.

Q. Where?—A. At the Hotel Belmont.

Q. When?—A. On the evening of the 17th.

Q. You saw him there on the evening of the 17th?—A. Yes, sir.

Q. When did he leave?—A. Sailed on the 18th.

Q. What on?—A. On the Southern Pacific steamer.

Q. For what port?—A. New Orleans.

Q. You know that he sailed on the 19th?—A. Yes, sir.

Q. How do you know?—A. I knew he was booked for that steamer, and we received postal cards from him from New Orleans upon his arrival, or from Mrs. Lake.

Q. Do you know when he arrived in New Orleans?—A. I think it was March 23; I am not sure.

Q. Do you know where he stopped in New Orleans?—A. No, sir; I do not.

Q. Did you communicate with him?—A. I wrote to to him at the general delivery at New Orleans.

Q. When did you write?—A. Sometime between the 18th and the 23d.

Q. Do you remember when between the 18th and 23d, particularly?—A. What day?

Q. Yes.—A. No; I do not know.

Q. What day was he to arrive in New Orleans if the ship took the schedule time?—A. That really I do not know.

Q. Did you talk with him about that incident of the trip?—A. No.

Q. At the Belmont?—A. Talked to him of the incident of the trip?

Q. As to when he was going to arrive at New Orleans?—A. No.

Q. How long he was going to remain in New Orleans, or where he was going to stay when he reached New Orleans, or where he was going to go when he left New Orleans, or when he expected to return back; did you talk to him about any one of those things?—A. Yes; I talked to him, but he had no programme mapped out; they were to go just as they felt like, stop where they wanted to and move on as they felt the change would benefit Mrs. Lake.

Q. Move in any directon?—A. Their intention was mapped out for Habana and possibly the Bermudas and Jamaica before they returned.

Q. Were you with him when he purchased his ticket?—A. No, sir.

Q. Did you see his ticket?—A. No, sir.

Q. Did you know the conditions and destination of his ticket?—A. I do not.

Q. Did not inquire about that?—A. No.

Q. Did you leave New York before he left?—A. Yes, sir.

Q. When?—A. I returned to Bridgeport on the midnight train on the 17th.

Q. Do you not know as a matter of fact that he purchased his ticket on the 17th?—A. No; he left Bridgeport on the 16th, with the intention of arranging for his passage that afternoon.

Q. He did not do that, did he?—A. I do not know.

Q. Don't you know that he did not?—A. No, sir; I do not.

Q. You saw him on the 17th?—A. Yes, sir.

Q. Saw him at his hotel in New York?—A. Yes, sir.

Q. Were you alone or was your wife with you?—A. No; I went down to meet Mrs. Lake.

Q. You went alone?—A. Yes, sir.

Q. Now, do you not know as a matter of fact when you saw him on the 17th that he had purchased his ticket?—A. No, sir; I did not inquire of him and I do not know.

Q. And he did not volunteer the information?—A. No, sir.

Q. What time on the 17th was it that you saw him?—A. From 9 until 12 o'clock in the evening.

Q. Don't you know as a matter of fact that he purchased his ticket in the forenoon?—A. I did not ask him any question regarding it.

Q. Don't you know he purchased his ticket from New York to New Orleans to Habana, and it was a sixty-day ticket with stop-over privilege at New Orleans?—A. No, sir; I do not know what kind of a ticket it was.

Q. Don't you know, as a matter of fact, that that ticket did not take him to Bermuda or to any other place than Habana and from Habana it carried him back to New York?—A. I have no knowledge of what kind of a ticket it was; no.

Q. And you did not discuss the details of his trip?—A. No, sir; I went down merely to see Mrs. Lake, whom I had not seen for several months.

Q. Did he leave any word with you as to where he was going, how long he would remain, what was to be done with the mail, or any other business matter?—A. He told me to address him at the general delivery at New Orleans.

Q. How long?—A. He did not say how long.

Q. You heard from Mrs. Lake from New Orleans?—A. Yes, sir.

Q. How long after they had arrived?—A. She mailed the letter upon their arrival at New Orleans.

Q. Give you any information as to how long she was going to stay?—A. No, sir.

Q. Or where they would go?—A. She did not say where she would stop.

Q. Was Mrs. Adams at home in Bridgeport?—A. No, sir; she was in Washington.

Q. You do not know what information she had about where her mother was going and how long she was going to remain?—A. No, sir; I do not.

Q. Did you receive any communication from Mr. Lake himself while he was at New Orleans?—A. Yes; I received just a short note.

Q. Did it relate to the business of the company?—A. No; he merely wondered why we did not write to him.

Q. Had there been a death in the family during his absence?—A. Yes, sir.

Q. Had that been communicated to him?—A. We mailed the death notice to him after we received notice that they were going to Habana. We mailed it to Habana.

Q. Now, then, when did you get the notice that he was going to Habana?—A. We received that, I suppose, somewhere about the 7th or 8th.

Q. How did you get that, what was that?—A. It was merely on a postal card.

Q. Did that give you any other date, or destination for Habana or beyond Habana?—A. No; he merely said, "address us general delivery at Habana."

Q. For how long?—A. He did not say.

Q. Did you send him any letters except the two that you mention?—A. I remailed him some of his mail.

Q. Did you send any by special delivery?—A. No, sir.

Q. Did you send any telegrams to him?—A. No, sir.

Q. Did you receive any telegrams from him?—A. No, sir.

Q. Was there any other officer of the company at Bridgeport who had instructions or information about where Mr. Lake was and what his itinerary was?—A. No, I do not think any of us knew where he was going.

Q. Did you ask to know?—A. Oh, yes.

Q. Had you curiosity on the subject?—A. Oh, yes.

Q. Had your family interest in the matter?—A. Yes, sir.

Q. And you got no more information than you have given me?—A. No more at all.

Q. You found it a dry subject when you got to talking to him. Now when did that death occur and who died?—A. That was Mr. Simon Lake's grandmother.

Q. Where did she live and die?—A. Pleasantville, N. J.

Q. When did you get the information of the death?—A. It was on the Tuesday previous to the funeral, which was two weeks ago Wednesday.

Q. You sent him the information after she was buried?—A. Yes, sir; I forwarded the letters.

Q. The relationship was exactly that of being the mother of Mrs. J. C. Lake?—A. Yes, sir.

Q. The present Mrs. J. C. Lake?—A. No.

Q. The first Mrs. J. C. Lake?—A. Yes.

Q. She was then or had been Mr. J. C. Lake's mother-in-law?—A. Yes.

Q. Not the mother of the present Mrs. Lake?—A. No.

Q. Do you know where Mr. Lake is now?—A. Yes, sir.

Q. Where?—A. What time is it? [Witness looking at watch.] He is at the Grand Union Hotel, New York, at the present time.

Q. How do you know?—A. I met him at New York last night. He arrived from Habana yesterday afternoon and was to leave on the 3 o'clock train for Bridgeport to-day.

Q. You were more interested in his arrival than his departure, apparently.—A. I did not know that he arrived until he 'phoned to me.

Q. He 'phoned to you?—A. Yes.

Q. To what effect?—A. That they had arrived.

Q. Did you ask to meet him?—A. I told him I was going to Washington to-night and I would stop and see them. He was not aware that he was wanted in Washington at all. He had not received any of my letters that I had forwarded to him. All the mail that he had received was one newspaper.

Q. How did he come to mention that?—A. He wondered why we had not written to him.

Q. What excuse did you give him?—A. We did not know where to write to him.

Q. Oh, but you did. You knew the general delivery at New Orleans and general delivery at Habana?—A. I wrote to him at New Orleans, but he did not receive my letters.

Q. Did it occur to neither of you when you were arranging in New York to write to him to make the address more specific than the general delivery of a large city post-office?—A. He did not know where he would stop in New Orleans.

Q. He knew he would be at New Orleans and then he complained because he did not get letters?—A. Yes.

Q. What was the newspaper he received?—A. It was one of the local Bridgeport papers.

Q. How did that reach him?—A. Addressed to the general delivery at New Orleans.

Q. Did you send it to him?—A. Yes, sir.

Q. What was the purpose in sending him that paper?—A. Merely to keep him informed of what was going on.

Q. What was going on?—A. I do not remember what was in the paper. It was one of the papers commenting on this investigation.

Q. Did it comment on the fact that he was wanted?—A. No, sir.

Q. So that he did not get the information that he was wanted?—A. No, sir. He did not know that he was wanted.

Q. Did he not know the investigation was pending?—A. Yes, sir.

Q. Did he not know it was an investigation about a corporation that he was connected with?—A. Yes, sir.

Q. Did he not know it was an investigation of subject-matter that he was very considerably interested in?—A. Possibly.

Q. Didn't he make an affidavit that related to the investigation before he left for New Orleans?—A. Yes, sir.

Q. Did he take the trouble to do that in anticipation of his absence?—A. Yes, sir.

Q. And made no arrangement to have any news sent to him about it at all?—A. Nothing further than what I have stated.

Q. Did you communicate with him at Habana?—A. I wrote him a letter at Habana.

Q. Any other members of the company write to him at Habana?—A. Not to my knowledge.

Q. What did you write to him at Habana?—A. Notified him of his mother-in-law's death.

Q. Anything else?—A. Yes; I told him that they had been trying to serve a subpœna on him.

Q. Anything else?—A. No; I think not.

Q. How did he explain that he came to return when he did in your conversation with him last night?—A. He claimed that that was his original intention.

Q. To come back at the time he did?—A. Yes, sir.

Q. And over the route that he came?—A. Yes, sir.

Q. He did not tell you any of that when he left?—A. No.

Q. Because his plans had not been fixed? Do you mean to be understood that his plans had not been matured, or that they had been matured and not been communicated to you?—A. Well, they had not been communicated to me.

Q. Where is he now?—A. I suppose in New York.

Q. You looked at your watch and you said you could tell precisely?—A. Yes.

Q. How long is he going to be in New York?—A. He will leave for Bridgeport on the 3 o'clock train.

Q. How long will he be in Bridgeport?—A. He will remain there until he is wanted here. Mr. Lake was going to come down with me last evening as soon as he found he was wanted; he suggested coming down, but I suggested to him that he wait over; that possibly you might not want him until next week.

Q. I want to ask generally this question: Was any other officer of the Lake Torpedo Boat Company in Washington, or in this country, who had authority to deal with the matter of that contract with the Navy Department during the time that the matter was under consideration by the Secretary of the Navy and the Attorney-General?—A. I do not think that there was; no, sir.

Q. Mr. J. C. Lake was in Europe—I mean Simon Lake was at that time in Europe?—A. Yes.

Q. You had no authority to make that contract and did not undertake to do anything connected with it?—A. No, sir.

Q. Do you know any other officer of the corporation who had any authority to act in the matter except J. C. Lake?—A. None at all.

Q. Are you prepared to say that he alone of the officers of the company transacted the business that resulted in that Lake Boat contract?—A. He directed the affairs of the company.

Q. Directed all of the affairs of the company?—A. On this side.

Q. And that was its chief affair?—A. Yes.

The CHAIRMAN. Does Mr. Olmsted desire to ask the witness any questions?

By Mr. OLMSTED:

Q. When did you give up your office here in Washington?—A. Give up my position here in Washington or the office?

Q. When did you change your business headquarters from Washington to Bridgeport?—A. Some time in the middle of January.

Q. Did you go to Bridgeport in the middle of January?—A. Yes.

Q. And have been there ever since?—A. Yes, sir.

Q. How long had you been in Washington prior to January 15, 1908?—A. I came to Washington on the 1st of June, 1906.

Q. And you were here then continuously from June 1, 1906, to the middle of January, 1908?—A. Yes, sir.

Q. Who was present in Washington during that period all the time or part of the time representing the Lake Boat Company, or its interests?—A. Mr. J. C. Lake was the managing officer.

Q. Who else was here in Washington representing the interests of the Lake Torpedo Boat Company from June, 1906, to January, 1908, all the time or any part of the time?—A. Mr. Neff was connected with us.

Q. Who else?—A. No one, except myself.

Q. Was there no one here at all looking after the affairs of the Lake Boat Company during that period?—A. No, sir.

Q. No one here helping to try to get the contracts for it?—A. Except our local attorney.

Q. Who was that?—A. Mr. Thurston.

Q. Yes, we know about him. You say nobody else was here at all?—A. No, sir.

Q. Didn't anybody else come here to Washington to help to get that contract, or take some part in it?—A. No, sir; not to my knowledge.

Q. Your office was in the office of the Lake Torpedo Boat Company?—A. Yes, sir.

Q. No one in all that period came into your office but the three gentlemen you have named?—A. Oh, I won't say that.

Q. How many rooms does your office occupy?—A. Two.

Q. What office force have you, what clerks, stenographers, and typewriters?—A. There was no one but Mr. Neff, Mr. Lake, and myself.

Q. Then do you mean to say with the exception of you three gentlemen, and Senator Thurston nobody else came into your office in all that period on business of the Lake Torpedo Company?—A. We had various other business men here.

Q. Who were they?—A. Towel supply men.

Q. Anything more important? We are getting something now, that is about the first we have had from you. Who else? Does the Lake Torpedo Company keep a regular towel supply man?—A. I can not tell you who came in now in the office.

Q. Now, don't you know that there were other people here coming to Washington to just get that contract?—A. No, I do not know of anyone, excepting the people I have told you.

Q. You were here in December, 1907?—A. Yes, sir.

Q. Did you hear of a banquet given in that month, given by Mr. Lake, or the Lake Torpedo Boat Company?—A. Yes, I remember hearing something about it.

Q. Now, no person was there except you four?—A. I was not there.

Q. You have heard that there was one?—A. Yes, sir.
Q. Do you know who were there?—A. No, sir.
Q. Where was it held?—A. I understand at the Hotel Willard.
Q. Who paid for it?—A. I do not know.
Q. You say you keep the accounts, don't you know who paid for it?—A. No, sir.
Q. Whose account was it charged to?—A. I have only had charge of the books of the company since the middle of January.
Q. Who had them before that?—A. A party by the name of Dean.
Q. Where was he; where did you keep the books?—A. Bridgeport.
Q. Who kept the books here?—A. I did.
Q. Did you keep any books in which you kept an account of that banquet?—A. No, sir. I did not handle anything of the kind.
Q. Did you send the account to Mr. Dean?—A. I know nothing about the banquet, or expenditures, or anything else in connection with it.
Q. Didn't you hear it talked over in the office?—A. No, sir.
Q. Then how did you come to hear about it at all, how did you know there was one, tell us how you knew?—A. Well, I do not know how I knew, excepting that——
Q. Why hesitate? It is not a very serious matter, tell us about it?—A. I do not know anything about the banquet.
Q. You heard about it.—A. I knew there was such a thing going, yes.
Q. How did you know, whom did you hear talk about it?—A. I do not recall, I do not know who told——
Q. Whom did you hear talk?—A. I do not know.
Q. How did you know there was a banquet?—(No answer.)
Q. We are willing to wait a good long time for an answer, but it is a very simple question.—(No answer.)
Q. Did you read it in the newspapers?—A. No, sir.
Q. Well, now, just tell us how you knew about it. Do you decline to tell?—A. No; I do not decline to tell; I do not recall how I came by the knowledge.
Q. Do you know how many were present?—A. No, sir; I do not.
Q. What papers did you forward to Mr. Skerrett when he was abroad?—A. I never forwarded any papers.
Q. What papers did you forward to Mr. Simon Lake when he was abroad?—A. I forwarded various papers.
Q. What were they?—A. In connection with our company, I do not know what all they were, simply some papers.
Q. Did you read Mr. Skerrett's testimony?—A. No, sir.
Q. Did you read about it in the newspapers?—A. I read about it in the newspapers.
Q. Do you not remember telling some party that you forwarded those papers?—A. No, sir.
Q. Did you not tell Mr. Webber that you forwarded it?—A. No, sir; I did not.
Q. You are very positive about that, are you?—A. Yes, sir.
Q. I would like you to be very certain about that; I will say to you now that your recollection and Mr. Webber's do not agree, so I will ask you to refresh your memory?—A. All right.
Q. What did you tell Mr. Webber that you forwarded?—A. I do not recall telling Mr. Webber that I ever forwarded anything.

Q. Do you remember ever seeing Mr. Webber?—A. Yes, sir.
Q. Having any conversation with him?—A. Yes, sir.
Q. In Bridgeport?—A. Yes.
Q. And you say you did not tell him anything about forwarding any papers to anybody there; to Mr. Skerrett or to Mr. Lake or anybody else?—A. No, sir; I did not.
Q. Were you present when Mr. J. C. Lake made an affidavit?—A. Yes, sir.
Q. When was it?—A. March 16.
Q. How do you remember the date?—A. I made an affidavit myself on that day.
Q. On the same date?—A. Yes, sir.
Q. What became of it?—A. It was turned over to Mr. Simon Lake.
Q. Did you see Mr. Simon Lake sign his name to that affidavit?—A. Yes, sir.
Q. Where was it?—A. Judge Foster's office, in Bridgeport.
Q. Who were present?—A. Mr. Simon Lake, Mr. J. C. Lake, and Capt. C. D. Wallace and myself.
Q. Now who drew the affidavit?—A. Carl Foster.
Q. Who was the notary before whom it was made?—A. Mr. Foster.
Q. He prepared the affidavit and he was also the notary?—A. Yes.
Q. You say that you made an affidavit at the same time?—A. Yes.
Q. How did you come to make an affidavit?—A. Through the request of Mr. Simon Lake.
Q. What was done with that affidavit?—A. That was turned over to Mr. Simon Lake.
Q. Who drew that up?—A. The same party.
Q. Mr. Foster?—A. Yes, sir.
Q. Your memory is very good about that; can't you remember anybody who came into your office in Washington during those two years?—A. Yes; the party who is the subject of that affidavit came in quite frequently.
Q. Mr. Archibald?—A. Yes, sir.
Q. You remember him now?—A. Yes.
Q. Who else?—A. I can not recall every one.
Q. Anybody at all? The towel man and Archibald were all that you remember?—A. No; we had various naval attachés call at different times.
Q. Do you remember any Americans who called?—(No answer.)
Q. Do you or do you not?—A. Well, Mr. Thurston's party called frequently; I can not tell you who else.
Q. Any Member of Congress call?—A. No; not to my recollection.
Q. You are positive about that?—A. Yes, sir.
Q. When did Mr. Archibald call?—A. Well, he first called in the summer of 1906, shortly after I arrived in Washington.
Q. What did he want, what did he say?—A. He wanted information regarding the Lake boats.
Q. Did you give it to him?—A. Yes.
Q. What did you give him?—A. Some of our printed pamphlets.
Q. When did he call next?—A. Well, he was a frequent visitor, two or three times a week sometimes.
Q. Were your relations friendly with him?—A. They were not unfriendly.

Q. Has he ever been in the employ of the company?—A. No, sir.
Q. Or of Mr. Lake?—A. No, sir.
Q. Connected with the Navy?—A. No. He represented himself as a war correspondent for Collier's Weekly.
Q. What war was on in 1906?—A. That was his letterhead and visiting card he handed; that was his excuse for getting this information. He wanted it for Collier's Weekly.
Q. Getting ready for war? You say that he told you that he was the author of the newspaper article?—A. Yes, sir.
Q. In what newspaper was that published?—A. In the Sunday Washington Times.
Q. Of what date?—A. I do not know what the date was now; I do not recall it.
Q. If you remember that so well now why did you not remember it when you were making your affidavit?—A. The newspaper clipping was in Washington and I was in Bridgeport.
Q. Have you seen it since you came to Washington this time?—A. I have merely glanced at it.
Q. Have you seen it since you have been down here?—A. Yes.
Q. Where have you seen it?—A. In our office.
Q. What is the date of it?—A. I do not know what the date is.
Q. In what year was it published?—A. 1906.
Q. What month?—A. Well, I do not know the date. It was describing the launching of one of the boats at Fore River.
Q. What boat, one of the Lake boats?—A. One of the Holland boats.
Q. What else did Mr. Archibald tell you?—A. What else did he do?
Q. What did he tell you?—A. He told me he was going to leave for a while; he was going West; that he was going on a private mission for the President of the United States to investigate the coast defense on the Pacific coast.
Q. On a private mission?—A. Yes.
Q. Are you sure that he said he was going in the employment of the President of the United States?—A. Yes.
Q. In the private employment of the President of the United States?—A. Or at the request of the President of the United States.
Q. Be a little specific about it. In what way did he say the President had requested him?—A. On his observation during his experience abroad as war correspondent.
Q. In what way had the President asked him to go—verbally, in writing, or by appointment to some position, or what?—A. I do not know.
Q. What did Mr. Archibald say?—A. He said he was going West on a mission for the President and report on the coast defenses of the Pacific coast—Puget Sound and several other places.
Q. Now, are you very sure he said it was in the employment of the President, or did he merely say he was going to report to the President?—A. He was going at the request of the President.
Q. Did he say at whose expense he was going?—A. No.
Q. Well, now, if the President said to him that he would be very glad to receive a report from him or any other man that might investigate that subject, that was about the kind of commission you understood him to have, was it not?—A. That was not the impression he tried to convey to me.

Q. What was the impression he tried to convey to you?—A. That he was especially appointed by the President to investigate and report to him on this subject.

Q. What was the object of his stating that to you?—A. I do not know.

Q. How long had you been acquainted?—A. I will say he came in some time during the month of June.

Q. June of what year?—A. 1906.

Q. What was his motive in telling you that he was going West at the request of the President?—A. Unless it was to impress me with his authority and his importance. He was seeking information regarding the Lake boats at that time.

Q. What information did he ask from you concerning the Lake boat?—A. He asked permission to examine our boat.

Q. Did you give him permission?—A. I did give him a letter of introduction to our vice-president.

Q. Who was the vice-president?—A. Mr. J. C. Lake.

Q. Where was he?—A. At Bridgeport.

Q. Did you know whether he presented it to Mr. Lake?—A. No; he never did.

Q. Then there was no very great harm done, was there?—A. No.

Q. Now, for what purpose did you make this affidavit?—A. I subsequently learned that it was general rumor that he was in the employ of the Electric Boat Company.

Q. Who told you that?—A. It was general rumor.

Q. Where did the general rumor exist? In what way did a general rumor come to you?—A. I requesed one of our men to get a line on Mr. Archibald and to report on this question.

Q. Who was the friend?—A. Mr. Arthur Johnson.

Q. Where does he live?—A. I can not now tell; I have not seen him for several months.

Q. Is he in the city now?—A. I think so.

Q. Is he in the employ of the company?—A. No, sir.

Q. Is he one of your friends?—A. He was in the employ of our company.

Q. Was he ever in your room, about which you spoke, during 1906 and 1908?—A. Yes, occasionally.

Q. You remember him now; that is another one. What is Mr. Johnson's business?—A. He is a newspaper man.

Q. Which paper does he represent?—A. He is with one of the press associations now in Washington.

Q. Was he in the employ of the boat company?—A. Yes.

Q. What newspaper does he represent or work for?—A. One of the press associations; I do not know which one; the United Press, I think.

Q. It represents a great many newspapers; their dispatches go to a great many newspapers, do they not?—A. I think so; I have not seen him hardly——

Q. Is he present in the room?—A. No, sir.

Q. What was he doing for the Lake Torpedo Boat Company?—A. Well, he was employed with the understanding that he was to take charge of an exhibit at Jamestown Exposition.

Q. He was employed in 1900 to take charge of an exhibit at the Jamestown Exposition?—A. Yes, sir.

Q. What kind of an exhibit?—A. For submarine boats.
Q. Was it a boat or a picture of a boat?—A. It was something that did not materialize.
Q. Who employed Mr. Johnson?—A. Mr. Lake.
Q. What did he pay him?—A. He paid him a regular salary.
Q. How much?—A. One hundred and fifty dollars a month, I believe.
Q. Beginning when?—A. I can not tell you offhand.
Q. June, 1906?—A. No; he was not employed at that time.
Q. Some time in 1906?—A. Yes; I think he did.
Q. Is he still employed?—A. No, sir.
Q. When did the employment cease?—A. He left our employ, I think, in July of that year or late in 1907—November, 1907.
Q. What did he do for you during that period?—A. Mostly photographic work.
Q. Is he a photographer?—A. Amateur, I think.
Q. Do you secure amateur photographers to do your work? What did he photograph?—A. The submarine boat *Lake*.
Q. How long did that take?—A. Mr. Johnson was present during the trial of the boat and taking data, etc., in connection with the boat.
Q. Have you any of those photographs?—A. Yes.
Q. Turned out pretty well?—A. Very good.
Q. What did you do with them? What use did you make of them?—A. Merely as records.
Q. What else did Mr. Johnson do?—A. I do not know.
Q. That is all you know?—A. Yes.
Q. For $150 a month. Now, that is all that you know of his doing?—A. Yes.
Q. Now, when was it that you got a line on Mr. Archibald, or wired him, or telegraphed him, or whatever you did?—A. Well, some time during the summer previous to Archibald's telling me of his commission by the President.
Q. It was while he was in your employ, then? Was it in 1906?—A. No; he was not in our employ at that time.
Q. He left your employ in November, 1907? Now, when was it that you told him to get a line on Archibald?—A. That was before he entered our employ.
Q. How did you come to get a man who was not in your employ?—A. Simply because he was one of our friends.
Q. How long had you known him?—A. Several months.
Q. When did you meet him?—A. I met him in Washington.
Q. Who introduced you to him?—A. I do not know.
Q. Did you look him up and make his acquaintance, or did he look you up and make your acquaintance?—A. I was introduced to him by some mutual friend; I do not know who it was.
Q. Where?—A. In Washington.
Q. Whereabouts in Washington? It is a large city; where did the introduction take place?—A. I think in the Occidental Hotel.
Q. Were you stopping there?—A. Yes, sir.
Q. What other newspaper men did you know in Washington?—A. I do not know of any.
Q. He is the only one you know?—A. Yes, sir.
Q. For what purpose did you make that affidavit?—A. I had told Mr. Lake of the coincidence of Mr. Archibald's story to me and also the

petition coming in from the Pacific coast from these ports, which he claims to have been entertained.

Q. Mr. Archibald went out to make an investigation and to report and petitions came in?—A. Yes; and it was generally known that he was in the employ of the Electric Boat Company.

Q. Well, how was that known? That is what I want to get at—who knew it; did you know it?—A. Only by hearsay.

Q. Whom did you hear say it?—A. I told you.

Q. You have not told anybody yet.—A. Mr. Johnson reported it to me. It was generally understood that he was in the employ of the Electric Boat Company.

Q. Now, when was that report made to you?—A. It was after I had given Mr. Archibald a letter of admittance to our boat.

Q. And how long before you made this affidavit did that occur; your affidavit is dated March 16?—A. March; yes.

Q. Bearing that in mind, when did you say that Mr. Johnson reported to you?—A. About July, 1906.

Q. And then did you not mention that matter to Mr. Lake until March, 1908?—A. Oh, yes.

Q. How did you remember it so well now?—A. I reported to Mr. Lake at the time.

Q. Did he immediately suggest that you make an affidavit?—A. No.

Q. Then how did you come to make this affidavit?—A. I do not know; he called me out of the office and asked me to go with him, and when we got to the attorney's office asked me to tell what I knew about Mr. Archibald.

Q. The affidavit was drawn before you got there, was it not?—A. No; it was not.

Q. You did not say anything in the affidavit about Mr. Johnson making a report to you, did you?—A. No, sir.

Q. So it was generally known that he was employed by the Electric Boat Company?—A. No.

Q. You said in your affidavit that Mr. Archibald had made certain reports because of his friendship to Lawrence Y. Spear, did you not?—A. No.

Q. Did not say anything about Mr. Spear in the affidavit?—A. Yes.

Q. What did he say?—A. Mr. Archibald gave that as an excuse for the newspaper article.

Q. That is what I just said.—A. I misunderstood you.

Q. Where is Mr. Archibald now?—A. I do not know.

Q. When did you see him last?—A. I have not seen Mr. Archibald, that is, to speak to him, for several months.

Q. Do you know where he lives?—A. No.

Q. Don't know where we can get him?

Senator THURSTON. I can state that to the committee. Mr. Archibald has an apartment, living with his mother and sister in the Wyoming apartment house.

Mr. OLMSTED. In this city?

Senator THURSTON. Yes.

Q. Do you know whether Mr. Archibald ever did make a report to the President or the Navy Department or to anybody?—A. Only by his report to me; he told me that he had made his report to the President.

Q. If he made a report to the President and the President referred it to the Navy Department and it is there now on file, that would pretty near substantiate what he told you in the beginning, would it not?—A. Yes.

Q. When did you first hear about this investigation by the newspaper reports? With which papers in Connecticut are you in touch?—A. Am I in touch?

Q. Yes.—A. In what way?

Q. Any way.—A. I am not in touch with any papers excepting by the news in them.

Q. Do you attempt to furnish any news that is in them?—A. No, sir.

Q. Have you supplied any information for them lately or to them?—A. Yes; the reporter called on me in reference to the article in yesterday morning's paper or day before yesterday.

Q. What was that about?—A. Regarding Mr. J. C. Lake.

Q. What did you tell him?—A. I told him that Mr. J. C. Lake did not know that he was wanted in Washington.

Q. How did you know that?—A. I inferred as much because we had not been able to get into communication with him.

Q. Had you sent him a telegram?—A. No, sir.

Q. Did not send him a single telegram from the time he left New York up to this moment?—A. No, sir.

Q. Who did send him a telegram from Bridgeport?—A. No one that I know of.

Q. Who sent him one from Washington?—A. That I can not say.

Q. Did you not send him a document from Bridgeport to New Orleans?—A. I sent him a newspaper.

Q. Nothing but a newspaper?—A. No. I wrote him a letter which he did not receive.

Q. Have you got a copy of that letter?—A. No.

Q. You do not keep a copy of your correspondence, do you?—A. No personal correspondence. I did not write to him on business.

Q. When did he leave New Orleans?—A. Some time between the 18th and 23d.

Q. Did the letter come back to you?—A. No; it has not returned.

Q. How did you know he had not received it?—A. He told me he had not received anything from me last evening.

Q. Did you have your card on the envelope?—A. Yes.

Q. Return in five days?—A. Yes.

Q. And it did not come back?—A. It has not returned yet.

Q. When it comes will you send it to me?—A. Yes.

Q. Who was the Lake company's patent attorney of whom you spoke in Washington?—A. That is not the Lake company's attorney. It is Mr. J. C. Lake's.

Q. Who is he?—A. Spencer Heath.

Q. What other information have you given the newspapers in Connecticut?—A. I have not given them any.

Q. Are any newspaper people in Connecticut in your employ or the employ of the company or of Mr. Lake?—A. No.

The CHAIRMAN. Have you the letter you sent to New Orleans, and all your correspondence, documents, or letters of which you have been inquired? If you will have those sent to this committee.—A. All right.

The CHAIRMAN. Any Member of the House of Representatives that desires to ask this witness any questions?

Is there anybody else, personally or by attorney, who desires to ask this witness any questions? That will be all.

TESTIMONY OF JOHN M. THURSTON—Resumed.

JOHN M. THURSTON, being recalled, testified as follows:

The WITNESS. I would say, Mr. Chairman, that I have failed to find any letter on the subject referred to from Mr. Lake.

By Mr. OLMSTED:

Q. You are referring to the question I asked you yesterday?—A. Yes, sir.

Q. With reference to a letter you had written to the Secretary of the Navy, in which you say "I am advised by Mr. J. C. Lake?"—A. Yes; but on thinking the matter over I think I am very clear in my recollection as to how that came about. Some little time before that I was informed by the Secretary of the Navy in person that it was the opinion of the law officers of the Department that the act of Congress would not permit him to give a contract for the construction of any boat except a boat of the character of the *Octopus*, which had stood the tests. I went to see him with Mr. J. C. Lake, and I think I did all the talking there. I insisted, from my standpoint as an attorney, that the law did give him an authority in the exercise of his discretion; that in exercising it he could take into consideration not only the result of the trial tests, but also the plans and specifications of our bids, and the knowledge of his skilled experts, and, if from all of these means or information he believed that the boat we had bid for would meet the requirements of the law when constructed, in his discretion he could give us one or more boats. And I urged him just as strongly as I could, in view of the importance of a correct construction of that act, to exercise his discretion and refer that question to the Attorney-General of the United States. He said he would take that under consideration. That is the substance of our conversation. I remember that I left the city. I do not recall where I went, but I think I went to Dansville, N. Y., and on my return to Washington Mr. Lake told me that the Secretary of the Navy would refer that question to the Attorney-General. In order to verify his statement I wrote that letter.

Q. Then you think Mr. Lake's statement to you was verbal?—A. Yes, sir.

Q. At the time you asked the Secretary of the Navy to refer that matter to the Attorney-General had you any inkling as to the views of the Attorney-General or anyone in his Department as to the proper construction of the law?—A. Oh, not at all. I acted on that proposition on my judgment in that matter.

Q. The Secretary of the Navy had failed to take your view of a proper construction of the law?—A. He said his law officer construed the law otherwise than my contention.

Q. And it was referred to the Attorney-General for his opinion, as you state?—A. Yes; and I communicated with the Attorney-General in writing asking permission to file a brief, which he accorded me, and I filed my brief.

TESTIMONY OF ABNER R. NEFF—Recalled.

ABNER R. NEFF, being recalled, on being examined, testified as follows:

The CHAIRMAN. Mr. Stevens, will you examine the witness?

By Mr. STEVENS:

Q. What is your name?—A. Abner R. Neff.

Q. Where do you reside?—A. My voting residence is Erie, Pa.

Q. Where do you make your residence for the purposes of business?—A. Here in Washington.

Q. What is your business?—A. Well, I just follow business pursuits generally.

Q. What are those?—A. I started out when I left college and went into a law office for a while, and studied shorthand and typewriting, and then I was in athletics for some little time, and after that I went in with a railroad company, and went from one position to another as opportunity offered.

Q. Are you a stenographer and typewriter?—A. I am. I used to practice that, but I have not very much of late years.

Q. How did you get into official life? You had some official connection at one time?—A. Why, I was in college then; I had gone back to complete the mathematical course——

Q. What college was that?—A. Allegheny College, at Meadville, Pa.

Q. What did you do to get into official life?—A. I did not do anything. They came for me—sought me—and I hesitated for a month or so; I did not want to come down here; I did not see any advantage in it. My college course had been broken up from time to time, and at last I was promised if I would come down here that there would be plenty of opportunities in the colleges here to complete my education, and the work would not be so hard but that I could go along with that.

Q. So you came down here, did you?—A. Yes, sir.

Q. In what capacity?—A. I was private secretary to Mr. Bates, of Pennsylvania.

Q. How long was you his private secretary?—A. I think three years.

Q. When was that?—A. I think that was in the fall of 1892, and I think I left him in 1894.

Q. What did you do when you left him? Where did you go?—A. I went to Montreal and from Montreal I went to Winnipeg, and from there back to Montreal.

Q. What for?—A. I went as an emigrant inspector, and I had charge of the board of special inquiry at Winnipeg, as an official of the United States Government.

Q. Under the civil service?—A. It was not under the civil service at that time.

Q. How long did you stay with the United States Government?—A. I think it was a little over two years. I resigned and left the Government, I think, about the middle of October, in 1896.

Q. In 1906?—A. In 1906.

Q. Then what did you do?—A. I went home and spent a month, not quite a month, or a little over two weeks at home; then I came down here with the Lake Torpedo Boat Company.

Q. When did you enter the service of the Lake Torpedo Boat Company?—A. My agreement with them was November 1, 1906.

Q. Have you continued in their service since?—A. I have.

Q. What is your work? What services do you perform for the torpedo boat company?—A. I look after the details before the Departments, keep in touch with the legislative situation as far as submarines are concerned, and do anything I can to promote the interests of the Lake Torpedo Boat Company in a legitimate way.

Q. You make your headquarters where?—A. Here in Washington.

Q. All of the time?—A. Except when I am detailed to go to some place on business for the company.

Q. Where do you make your headquarters in Washington?—A. Six hundred and six Colorado Building. We used to have 605 and 606——

Q. How many offices had you there?—A. We had two, but since I have had charge I have cut them down to one, because I did not think the expense was warranted.

Q. Who else is there in the offices?—A. No one but myself.

Q. Are you the only one connected with the Lake Torpedo Boat Company who is here in Washington?—A. Outside of Senator Thurston.

Q. Is there anybody else associated with you in the office in any way?—A. No, sir; not in any way.

Q. You have no stenographer?—A. No; I have no stenographer, and whenever occasion requires I call in some one, when the work is more than I can do myself.

Q. You do your own stenographic work?—A. I do my own letter writing.

Q. Whenever it is necessary?—A. Yes, sir.

Q. That service began in 1906?—A. Yes, sir.

Q. And just before the session of Congress opened?—A. Yes, sir.

Q. So you have been here during one whole session of Congress and thus far through this session of Congress?—A. Yes, sir.

Q. For the Lake Torpedo Boat Company?—A. Yes, sir.

Q. And you have been here one whole year and nearly a half looking after their departmental work?—A. Yes, sir.

Q. What is the nature of your work with the Department?—A. Well, when I first came down here we were endeavoring to have the Lake tested. Mr. J. C. Lake, from and after about July 11, 1906, under the act of 1906—we were making strong efforts before the Department to have this boat tried out with one of the Government submarine boats at that time, and we were very anxious to have the boat tried right away on account of the expense of maintaining or keeping up the boat, and principally the duties were to endeavor to get this test.

Q. What did you do in endeavoring to get the trial?—A. I simply went to the Department and ascertained——

Q. Who did you talk with?—A. I talked with various officers, the Judge-Advocate-General's office, and the Bureau of Construction and Repair.

Q. Who did you talk with?—A. I talked with the chief clerk; I talked with the Secretary's office.

Q. Who did you talk with in these offices?—A. I talked with Admiral Capps, I talked with Mr. Shafer——

Q. Mr. Shafer is the chief clerk?—A. Yes, sir.

Q. Who in the Judge-Advocate-General's office?—A. I talked with Mr. Hanna, I have talked with Captain Diehl, and the chief clerk there. I can not think of his name just now.

Q. Did you go to the Bureau of Steam Engineering?—A. No; I did not have anything to do with that Bureau.

Q. Or the Bureau of Supplies?—A. No, sir; not at that time. I have been around to all the different bureaus.

Q. Did you go to the Secretary's office?—A. Oh, yes, sir.

Q. Whom did you talk with there?—A. I talked with the Secretary at different times—a few times. I talked with Mr. Clark, his private secretary, and I talked with Mr. Moses, and in the early season I talked with Mr. Goss.

Q. With the Assistant Secretary?—A. I believe I took one matter up with Mr. Newberry at one time.

Q. About how often did you go to the Navy Department?—A. I have been there a number of times.

Q. About how often did you go there?—A. Sometimes I have been there twice a day, sometimes three times a day, and other times it would be a week or ten days before I would go there.

Q. Did you go to the Department in connection with the trials a year ago?—A. Yes, sir.

Q. Quite frequently?—A. Yes; very frequently; more frequently, I guess, than they wished to see me.

Q. Whom did you report to?—A. I reported to Mr. J. C. Lake at that time.

Q. Where was his office?—A. He was in the city from time to time. Mr. Lake would stay here perhaps a week or ten days, then go to Bridgeport, and back and forth between Bridgeport and here.

Q. After the trials occurred did you then go to the Navy Department?—A. I did.

Q. During the last session of Congress, before the trials were had, did you have any matters before the Congressional committees—did you represent the company before the committees of Congress?—A. We did not have any hearing before any of the committees, but I endeavored to acquaint such Members as I could come in touch with with the merits of our boat, and urged——

Q. What did you do; how did you go to work?—A. I would request an audience with them personally.

Q. Whereabouts?—A. Some in their offices, some at hotels—various places.

Q. You would call upon them?—A. Yes; I called upon them.

Q. Wherever you could find it convenient?—A. Wherever it was convenient for them to see me; wherever I could find them, also.

Q. Did you confine your efforts to members of the Naval Committee?—A. Principally; yes, sir.

Q. Did you know the members of the Naval Committee?—A. Some I did and some I did not.

Q. Did you become acquainted with them?—A. I went to them and made myself acquainted; I told them the proposition I had to present.

Q. What would you tell them?—A. I told them that we were builders of submarine torpedo boats, and we were seeking business from the Government; that our boats were successful abroad, and if they would throw any legislation open to competition I felt sure that we would give them a boat that would be in advance of anything they had at the present time.

Q. You presented an argument for open competition?—A. Open competition.

Q. What sort of a letter, or did you have any evidence from your company accrediting you to these Members of Congress?—A. Oh, no; not at that time.

Q. You just introduced yourself?—A. I just simply presented my card.

Q. You went to the different members of the Naval Committee, did you?—A. Yes, sir.

Q. From the chairman down?—A. I did not see the chairman myself. I understood that he was not very favorable to submarines, and did not think they were a very formidable weapon, and I thought he was a good man to leave alone.

Q. Did you submit any motion or amendment in writing to any member of the Naval Committee designed to cover the question of the legislation you wanted?—A. I took over a motion, but I do not believe any Member of Congress took it. It was a motion to throw it open. I do not think any Member of Congress assented to taking it and introducing it.

Q. Whom did you talk with about that?—A. Well, that was after 1906. That was 1907.

Q. Whom did you talk with about making the motion?—A. I talked with Representative Mudd and Representative Bates.

Q. Anybody else?—A. I think I spoke to Representative Loud.

Q. Anybody else?—A. Oh, not about the motion. Just about submarines in general.

Q. I am speaking about this motion.—A. I think I only took it to Representative Mudd.

Q. And he did not offer it?—A. No; I am quite sure he did not. I am sure he did not take it.

Q. In what way did you seek to become informed concerning the condition of the legislation?—A. I would ask people whom I believed to be in touch with what the situation was.

Q. Who?—A. Different Members of Congress. I asked them what was going to be done in submarine legislation.

Q. What did you try to find out?—A. Whether or not there was a disposition to appropriate money for submarines, and whether or not that appropriation would be exclusive or not.

Q. So that your principal idea was to seek to find out two things, first, whether the money was to be appropriated, and, second, whether that legislation would be exclusive?—A. Yes, sir.

Q. Did you keep in touch with affairs in the Senate as well as in the House?—A. I did not press that very much; no.

Q. Your business was with the House?—A. Principally with the House.

Q. Do you know who did confer with Members of the Senate?—A. Well, I conferred later on, after the House bill was through, I conferred with Senators.

Q. So it was your business to confer with Senators as well as Representatives?—A. Oh, yes; anybody that I could legitimately interest in our proposition.

Q. And you kept in conference with various Members during the progress of the navy bill?—A. It was in conference. I would simply ask them to give me such information as they could without divulging any secrets.

Q. Have you made reports from time to time?—A. I would simply tell Mr. Lake what I found.

Q. In what way?—A. I generally told him personally.

Q. Was he here?—A. When he would come here I would tell him.

Q. Would some of the reports be in writing?—A. I may have, I do not recollect just now. I did the best I could to keep him thoroughly in touch with the situation here.

Q. If you made any reports in writing, in what way would you make them?—A. I suppose they would be by letter.

Q. By letter to Mr. J. C. Lake?—A. Yes, sir.

Q. Addressed where?—A. Addressed to Bridgeport.

Q. Do you remember of any?—A. I can not recall any, but on looking over the file I could easily ascertain.

Q. Did you keep any copies of them?—A. I did not always. That would depend upon whether I thought the matter of sufficient importance to keep a copy.

Q. You might and might not have kept copies of those?—A. Yes, sir.

Q. Do you go down to Bridgeport?—A. I have been to Bridgeport on one or two occasions; yes, sir.

Q. Do you know anything about the condition of their files there; whether they contain any of your communications or not?—A. No; I never bothered about the Bridgeport office at all.

Q. Where were you during the time the trials were had?—A. In Washington.

Q. Did you go to the Department concerning the trials at the time they were being held?—A. There was not anything to go about at the time the trials were being held. I know I was over there to request some information.

Q. What did you try to find out?—A. As to the progress of the trials, to see if there was any official information as to the progress of the trials.

Q. After the trials were had, did you go over to the Department?—A. Oh, yes.

Q. What did you try to find out then?—A. How favorable the report was to our company.

Q. You made it your business to keep in touch with the Department and find out what was going on there?—A. To the best of my ability; yes, sir.

Q. Were you the one who first found out the results of the trials?—A. No.

Q. Did you go to the Department to find out about that?—A. Oh, yes.

Q. In what way did you learn the results of the trials?—A. I do not recall whether it came through the newspapers, or how, but I think there was some information as to what the report of the Board was going to be in some of the New York papers, and just as soon as

I found out, I went to the Secretary's office and requested that I be permitted to see the files, and I understood that that permission had been given to all competitors.

Q. How did you understand that?—A. Well, I think it was a matter of common newspaper report.

Q. In the newspapers did you read it?—A. I think so; yes. I did not ascertain from any one specially that our competitor had seen it until after, I think, it was in the newspapers.

Mr. THURSTON. I can say that the Secretary of the Navy, at my request, permitted me to read that report, and in his office, and in his presence, with the statement to me that he thought our company ought to know what that report contained.

Mr. STEVENS. And that was the first information you had concerning it?

Mr. THURSTON. The first information.

Q. Then you were here during the summer, going to the Department as often as necessary?—A. Oh, yes, sir.

Q. At the time Congress opened for the present session you were here, going to the Department then, were you?—A. Yes, sir.

Q. Did you have any business there concerning the contracts that were recently signed by your company?—A. Well, I was there quite frequently, endeavoring to find out if there was not a possibility of obtaining business that we felt we were entitled to. We felt that our showing was sufficient to warrant the Secretary in giving up a portion of the contract, and I did all I could to bring it about.

Q. Did you consult with different members of the Naval Committee this year, as you did a year ago, concerning it?—A. Yes, sir.

Q. What did you urge on them this year?—A. Well, the form of legislation of 1907, really detrimental to our company; we did not want to urge upon Congress the amount that they should place in this appropriation bill, as we thought that was a matter for them to decide upon, but we would like to see such legislation as is embodied in the Sperry bill, for open competition, to be placed in the bill.

Q. You urged the provisions of the Sperry bill upon the members of the Naval Committee?—A. I did.

Q. Did you confer with the members of the Connecticut delegation in Congress concerning legislation?—A. Just after we had signed our our contract—I did not approach any Member of Congress, as I recollect, before the contract was signed.

Q. When was that?—A. February 3 or 4.

Q. You did not talk with any Member of Congress before that?—A. Not the submarine provisions, because I felt that we could not go to Congress in view of the situation and ask anything of them until we had been recognized by the Navy Department in some way, and I wanted this as a basis to go before the different Members of Congress. I telephoned Mr. Lilley shortly after that and asked him if he would see me that night. He said "No, he could not see me that night," so I asked him if he would see me the next morning. The Sperry bill had not been introduced then, but its provisions had been embodied in a statement, and I met him the next morning about 9 o'clock. I walked through the Capitol with him.

Q. With whom?—A. Mr. Lilley, of Connecticut. I asked him if he was in favor of submarines. He says "No." I said "Why?" "Well," he says, "I don't think they are any good." I says, "Why do

you make that statement?" He says, "Because they have never hit anything, they have never proven their usefulness for warfare." I says, "There has never been but one war that would give submarines an opportunity to demonstrate themselves, because none of them had submarines." We had put into this bill $3,000,000, I think——

Q. Did he tell you they had put into the bill $3,000,000?—A. No; I say in this provision I submitted to him, and I asked him if he would be for that, and he said "No." I asked why, and he says, "I don't think that the Naval Committee should appropriate that much money for submarines." I said, "How much will you be for?" He said, "If the people want submarines, I will be for a moderate amount." I said, "Will you be for open competition?" He says, "You do not need to ask me that," and he gave me a very scant consideration. I was not pleased with it because I thought he was our Representative here in Congress and should do all that he possibly could to offer open competition for submarines, and look after our interests in a legitimate way.

Q. That was shortly after the 3d of February, you say?—A. Yes; one or two days after.

Q. Was that the first time you had talked with Mr. Lilley about the subject of submarines?—A. I had had one or two questions, very short. He would give me very scant consideration.

Q. Before that?—A. Yes, sir.

Q. Had you talked with other members of the Connecticut delegation before that?—A. I had been to see Mr. Hill in 1907. I had also seen Senator Brandegee and Senator Bulkeley.

Q. Did you talk with Mr. Lilley a year ago about submarine legislation?—A. I do not recollect; I may have. It is more than likely I have.

Q. You can not recall any conversation a year ago?—A. No, I do not recall any special conversation, because I know he did not seem inclined to give me very much time.

Q. Do you know whether he was on the committee a year ago, in the last Congress?—A. I am pretty sure he was; yes, I think he was.

Q. In talking with members of the Naval Committee about your matters, did you not go to him naturally?—A. Well, I did not know him very well; he would generally kind of shove me off, and I didn't feel like thrusting myself upon a man that did not give me more than ordinary attention.

Q. Did you get any information about his attitude a year ago, in the last Congress, concerning submarines?—A. I was very much disappointed in his attitude. It was not very favorable to the submarine proposition, and I thought it should be more so.

Q. You did not understand about his attitude and vote a year ago?—A. I did not know what the vote was a year ago.

Q. His conversation rather indicated that he was against submarines a year ago?—A. Oh, yes; his conversation indicated he had no use for them—that is, that they were more in the line of an experimental toy.

Q. He thought that they were not of much use as a means of national defense?—A. That is what he led me to believe.

Q. So that he was not one of the men that you went to a year ago?—A. I would not be certain; I may have gone to him; I went to everybody I could; I tried to reach everyone I could.

Q. You can not recollect any specific occasion of your going to him?—A. No; I can not.

Q. Do you recall any meeting of the Connecticut delegation in Congress that you knew about at the beginning of this session in connection with your work?—A. Why, I remember that when we were having this matter up of the contract with the Naval Department I felt that we were entitled to a part of that appropriation, and we felt that we were not getting our—they were not showing proper interest in our matter, and I suggested to Mr. Lake that we get the different members of the Connecticut delegation together and present to them our side of the controversy.

Q. When was that?—A. That was in December, I think, sometime. It was sometime the early part of Congress.

Q. Before the holiday recess?—A. Around that time, I think it was.

Q. What did Mr. Lake say and do?—A. Well, I think he made an endeavor to meet these people.

Q. That was Mr. J. C. Lake?—A. That was Mr. J. C. Lake—and acquaint them with the argument that we considered just and in favor of our boat, and inasmuch as I had understood that strong efforts had been made on the part of our competitors to keep us out of this business, I thought the Representatives from the State in which our company was located ought to help us before the Secretary and just ask him for fair consideration of the matter—nothing more—and I think that they had such a meeting, and Mr. Lake gave a luncheon, and they talked it all over.

Q. Where was that?—A. I think it was at the Willard Hotel.

Q. Were you there?—A. No, sir; I was not.

Q. Do you know who were there?—A. I think the Connecticut delegation was there, and Mr. Lake; I think Senator Thurston was there.

Senator THURSTON. I was there.

Q. Any other members there that you know of?—A. Senator Thurston could say that; I do not know.

Q. Did you notify the members of the delegation concerning that?—A. I may have called up one or two over the phone, and I think Mr. J. C. Lake did that himself.

Q. You did nothing further concerning the arrangement?—A. No; I had nothing to do with it all.

Q. Mr. Lake had charge of matters himself?—A. Yes; Mr. Lake had it in charge.

Q. So that was the only time you know of any meeting being arranged for the purpose of acquainting the members with your side of the controversy?—A. That was a preliminary meeting. It was to acquaint them with the subject, and later on, in conformity with this meeting, we asked the Connecticut delegation to go before the Secretary. I think it was two or three weeks. It was after Simon Lake had arrived. And then when Simon Lake arrived, I think I assisted Mr. Lake in requesting the members of the Connecticut delegation to go to the Secretary and to tell him Mr. Lake's situation.

Q. In what way did you assist Mr. Lake?—A. I went to see the different members and asked them if they would meet and go to the Navy Department in our behalf.

Q. Did they consent to meet?—A. Yes; they did.

Q. Where?—A. I think the meeting was over in the Secretary's office. I did not go up with them, because I thought I could be of no assistance and had done my duty. I think Senator Thurston accompanied them. I do not know whether he was in before the Secretary or not.

Q. Who did you notify and request to be present?—A. Senator Bulkeley, Senator Brandegee, Representative Hill, Representative Sperry; I tried to get Mr. Henry, but he was away, and I tried to get them all; Mr. Lilley, I think, I spoke to him.

Q. But you were not there?—A. No; I was not there.

Q. When was that?—A. I think that was in the early part of January—in the middle of January.

Q. And that is the only time that you recall getting the Connecticut delegation together?—A. Yes; that was the only time we got them together.

Q. When did you learn of this investigation?—A. I came up to the Capitol daily to seek information, and I understand or somebody told me that Mr. Lilley—I got up a little late in the afternoon—and that Mr. Lilley had introduced a resolution, and I went over to the basket and got it out of the basket and made a copy of it. And that was the first I knew anything about the resolution.

Q. When was that?—A. That was the same day that the resolution was introduced.

Q. February 20?—A. I could not tell you that.

Q. You had not heard anything about it previously?—A. No, sir; I had not.

Q. Had you talked with Mr. Lilley any other time than the one that you have mentioned and the time that you notified him to be present at that meeting?—A. I went to see Mr. Lilley a day or so before the bill was introduced, and I wanted him to make Mr. Sperry's bill a motion in it, and he refused to do so.

Q. When was that?—A. That was a day or two before the bill came up in the committee, when the committee finally voted for it.

Q. How did you know the matter was coming up in the committee?—A. I was then following it up and knew how far they had gotten in the bill, and there was general knowledge at that time that the committee would vote at this date.

Q. How did you find it out?—A. I think I found it out from the clerk of the committee. I went in to see the clerk of the committee, and he said they expected to vote on it this day.

Q. Then you went to Mr. Lilley as soon as you found out about the condition of the bill and requested that he would urge the Sperry bill as an amandment?—A. Make a motion to that effect.

Q. What did he tell you?—A. He told me no, he was not going to do that; that he was not in favor of submarines, and that he was not going to appear in the light of a representative of any submarine company. And I was very much disappointed, because I was having a hard enough fight in the matter, and I thought at least he should show me that much consideration—to introduce the motion. It was a free, open competition motion, and I was very much chagrined.

Q. Was that the only time that you asked him to offer your motion?—A. That and the time I walked to the Capitol with him.

Q. Did he intimate to you at that time that he should oppose all submarine legislation?—A. I just merely asked him to be for open

competition, to be for our share of it if it did come up, but before that he told me he was not for submarine legislation, and I asked him if the people did not believe in submarines if he would not be for it, and if they were for it, if he would not be for open competition, and he said for a moderate amount he would be for submarines, but I did not think to ask him for open competition.

Q. Did you talk over with Mr. Simon Lake and Mr. J. C. Lake about going to Mr. Lilley and urging his help?—A. No; because Mr. Lake had left me with authority to do everything in my power to promote the interest of the Lake Torpedo Boat Company, in conjunction with Senator Thurston, and therefore my only adviser was Senator Thurston—whenever a matter came up in which I was in doubt I went to the Senator. So the whole matter was practically in charge of Senator Thurston and myself.

Q. Did the Senator advise you to confer with Mr. Lilley and urge his help?—A. He never advised me as to conferring with anybody. That was a matter I took upon myself.

Q. So any talk with members of the committee you had was upon your own motion?—A. Yes, sir.

Q. Did you inform the Senator what you were doing?—A. Yes.

Q. And he knew generally what you were doing and what was going on?—A. Yes, sir.

Q. Did you inform the Senator of the reply of Mr. Lilley?—A. I don't know whether I did or not. I think I kept it to myself. I did not want to let them know I had had no more success.

Q. Did you confer with newspaper men during this time—was that a part of your employment?—A. No; I never had anything to do with the publicity work of our company in any way. I am not a newspaper man, but I enjoy newspaper men's company, and I have been in their company in a social way, but never talked business.

Q. Did you give them any news?—A. I don't recollect. I may have. I may have given them data. Newspaper men have come into the office and I have given them our circulars, and they have, a good many of them, wanted photographs, and I might have given them photographs, and circulars, and I think I have, but I never got any matter published in behalf of our company.

Q. All this time you were doing your office work for the company yourself?—A. Since Simon Lake returned to this country, Mr. J. C. Lake has had no active connection with the business except for a week or so. Mrs. Lake was taken severely ill last summer while she was at Atlantic City, and Mr. Lake was with her at the hospital most of the time, and he also was taken quite ill, and at the time this investigation came up, a month or so or couple of weeks before that he was at the Hot Springs, Va., for treatment, for his wife——

Q. You did the office work?—A. Yes, sir.

Q. And did the letter writing?—A. I did the letter writing.

Q. What typewriter do you use?—A. I use the Underwood—no, the L. C. Smith.

Q. How long have you used it?—A. That machine has been in our office for pretty near a year.

Q. Have you used any other in your office?—A. Yes, sir.

Q. What other?—A. I used the Smith Premier.

Q. How long did you use the Smith Premier?—A. I have used it off and on.

Q. Is it in your office?—A. Yes, sir.

Q. So that you have two there?—A. Yes, sir.

Q. Any other typewriter, have you?—A. No, sir.

Q. Whatever work you do you do on one of those two machines?—A. Yes; most of it on the Underwood—the L. C. Smith, rather.

Q. Is the Underwood or L. C. Smith an open-front machine?—A. How do you mean? One is a visible machine and the other an invisible, I guess.

Q. After you first saw the resolution introduced by Mr. Lilley did you go to him?—A. I went to him at the Willard Hotel that night. I was kind of chagrined with the fact that the resolution was introduced. We had had a hard fight here, and I went to ask him what he had to base his resolution on, and he told me that he had dictated some matter to the newspaper men, and I would see it in the newspaper, and that was all there was to it. I didn't get anything from him.

Q. Is that all the conversation you had with him that night?—A. Yes, sir.

Q. Did you offer your assistance in any way that night?—A. No, sir; I did not.

Q. Did he ask you for your assistance that night in any way?—A. He did not.

Q. When did you next see him about it?—A. Perhaps in a day or two. I kept going up there to try and find out what was going on, and I thought he would be the man that would give me the most information, and he was still very reticent about giving me anything.

Q. Did he talk to you about it?—A. Later on he kind of warmed up to the subject and wanted to know what I knew.

Q. When was that?—A. That was several days, right after it—a couple of days after it. I did not keep any track of it.

Q. Was it before the 1st of March?—A. I think so; I could not say exactly as to the date. But I can give you the facts; I could not give you the date.

Q. What information did you give to him?—A. I did not give any information to him at that time, but I did suggest that he ought to have the advice of an attorney, and he said that he did not know of one he could get.

Q. When did you advise him that?—A. Some little time after; I think it was after his little affray with Mr. Lord.

Q. What did he tell you when you advised him to get an attorney?—A. He said he had begun to think so, too, but he did not know of anyone to employ and wanted to know if I would suggest anybody. It told him I did not know of anyone to suggest, but he ought to have some one very familiar with submarine affairs. And I said: "We would be willing that you would confer with our attorney, Senator Thurston, until you can get your own attorneys."

Q. When and where did this occur?—A. That occurred in his office.

Q. In this building?— A. Yes, sir.

Q. Can you tell when it was?—A. Well, it was some days after. I think it was after the matter had come up with Mr. Lord and Mr. Early.

Q. Was it within a week after the resolution was introduced?—A. I think it was later than that.

Q. Ten days?—A. It may have been; I would not say.

Q. Had you reported all this to Mr. Simon Lake or Mr. J. C. Lake?—A. No; I had only talked it over with Senator Thurston.

Q. And the Senator had not seen him up to that time?—A. No, sir; I do not think the Senator saw Mr. Lilley until—the Senator testified as to that yesterday.

Q. Did you make an appointment with the Senator to see Mr. Lilley?—A. I think I did.

Q. Where did you make the appointment with him?—A. At the Willard, at Mr. Lilley's apartment, as I recollect.

Q. At the request of Mr. Lilley?—A. Well, he said he would be glad to confer with him, and so I just simply arranged for a meeting, and they met.

Q. Were you there?—A. I was not there all of the time; I think I was there part of the time. I came in, and I think I walked out. It was not a matter that concerned me.

Q. When next did you assist Mr. Lilley in any way?—A. After this matter got under headway or thereabouts, I felt that our company should furnish such data and information as had come into their possession or they knew of in a personal way, to help the committee out in this investigation. There had been general rumors of opposition that we were working against, and I wanted the matter cleared up; and I thought it was our duty as a company to clear it up; and I think, then, that I suggested to Mr. Lake that if they had anything in their possession of a tangible nature that they could support by affidavits that they should do so.

Q. Which Lake did you suggest that to?—A. I spoke to Mr. Simon Lake about that.

Q. Did you see him personally?—A. I am not certain about that. Mr. Simon Lake spoke of a letter yesterday, and I looked all through my files last night to see if I could find a letter. I was talking with Mr. Lake over the phone on matters relative to the recent trial of the Lakes, and my recollection is that I suggested to him over the phone, "Mr. Lake, if you have any information which will be of value to this committee, you should furnish it." I thought it was our duty to do everything we could, inasmuch as this affected submarines, to get the atmosphere cleared up.

Q. Where was Mr. Lake?—A. He was at Bridgeport.

Q. You talked with him over the long distance at Bridgeport?—A. Yes, sir.

Q. When was that?—A. It was in the early part of March, I think, or somewhere along there.

Q. That was voluntary upon your part?—A. Yes, sir. That was all of my own initiative.

Q. After a consultation with Senator Thurston?—A. I do not believe I ever consulted with Senator Thurston on that.

Q. You did it as your own motion?—A. I did it of my own motion.

Q. What did Mr. Lake tell you over the telephone?—A. He said he would look into the matter and see what they had.

Q. Did he give you any instructions at that time?—A. No; because he relied on my own judgment as to how I should conduct the business here, and I suppose if he failed the result would be the usual one.

Q. What did you do to help matters?—A. Well, after—I don't know—the thing came up, I think I prepared some questions—that

is, at the suggestion of Mr. Lilley. He suggested certain lines; he says, "you are familiar with the submarine business," and I think I prepared certain questions. I know I did.

Q. In what way did you prepare questions?—A. Oh, I looked up the records that we had and wrote a large number of questions.

Q. That is, the office records?—A. Yes.

Q. Just tell us how you prepared these questions, what memoranda you had as a basis for them?—A. I had the past trials in the hearings, the Lessler investigation, and correspondence on file that had been published. I used every available data that I could. I thought the committee were not expert to know the submarine business, and this might tend to throw some light on the whole situation. And I only prepared those questions for the purpose of clearing up the whole situation.

Q. Where did you do this?—A. In my office.

Q. In the Colorado Building?—A. Yes, sir.

Q. On these typewriters that you told me about?—A. Yes, sir.

Q. Did you prepare the questions that should be propounded to Mr. Rice?—A. I think I prepared some of them; yes.

Q. There were a large number of them?—A. Yes, sir.

Q. Several hundred?—A. I did not prepare any several hundred.

Q. We had copies handed to us. What did you do with the originals of the questions that you prepared?—A. Well, I think I handed in the originals.

Q. To whom?—A. Why, to Mr. Lilley; I gave them to Mr. Lilley.

Q. All the questions you prepared were delivered to Mr. Lilley?—A. Yes, sir.

Q. And you retained no copies for yourself?—A. I retained one or two, but as soon as the questions were asked I threw them in the wastebasket. There was no place to file them.

Q. Did you consult with Senator Thurston in reference to these questions?—A. No; I told him several times I was going to prepare questions, and he said he had no objections to that. I asked him if there would be any impropriety in preparing questions. There had been matters coming up in connection with the business—with submarine business—over which there was a question yet, and I thought by asking Mr. Rice these questions they could be cleared up.

Q. So you consulted with Senator Thurston about some lines?—A. Oh, yes; about general lines.

Q. So that you prepared a series of questions to be propounded to Mr. Rice?—A. Yes; some of them; not all of them.

Q. Do you remember how many?—A. Oh, three or four pages, three or four.

Q. Three or four pages you prepared?—A. Yes, sir.

Q. For Mr. Rice?—A. Yes, sir.

Q. Do you know whether you prepared any questions to be propounded to Mr. Frost?—A. Yes; I did for Mr. Frost, too.

Q. Where did you have the memoranda for that?—A. I think some of that was gotten from some—some of it came from general rumor and some from correspondence, and some of it was from some of the statements that had been made before the committee.

Q. Let us locate a little bit closer. What general rumor do you refer to?—A. Well, of the methods employed by our competitor in seeking business here.

Q. Where did you get that information?—A. Well, it was the general talk.

Q. Who did you hear it from?—A. Well, I could not be specific—really, I could not be specific.

Q. Did you talk with the newspaper men and get it from them?—A. I have talked with newspaper men, and I have talked with everybody.

Q. What ones?—A. I have talked with nearly all of my acquaintances, but not in a business way. I could not say what ones. I thought if those methods were employed it is well—because I thought if it was not so it will not do any harm.

Q. Can not you specify any person you talked with?—A. No, sir.

Q. Can not you identify the time you talked with anybody?—A. Ever since I have been here in Washington I have talked with people about that subject.

Q. And you can not remember one single name of anybody?—A. No; I have not one single name to trace it down to, that I can recollect.

Q. And you can not locate any particular time?—A. No.

Q. That you had a conversation?—A. No; I can not.

Q. Can you locate any place where you had any of these conversations?—A. No; it was just merely passing talk with whoever I came in touch.

Q. What memoranda did you have of it as the basis of your questions?—A. Mostly memory, as far as these things had come up, and general talk.

Q. You said you had something in the office?—A. Yes, sir.

Q. What was it that you had in the office?—A. Circulars—not circulars, but reports, official reports and documents, and correspondence.

Q. What correspondence?—A. Well, correspondence that had previously been had between different people; it is all on file.

Q. With whom?—A. I do not recollect with whom now. I did not pay any attention to who.

Q. You consulted that correspondence as a basis for those questions?—A. Principally; yes, sir.

Q. Can you remember who wrote the letters?—A. Simply by seeing the letters. Some of it was just a history that Mr. Lake had made of his submarine experience in seeking business here, in the Governmemt, and a good deal of it was based on this pamphlet which he had——

Q. This was a memorandum prepared by Mr. Lake that you used?—A. I do not know whether it was prepared by Mr. Lake. It was a memorandum in the office. It is still there.

Q. Was it in handwriting or typewritten?—A. It was a typewritten document.

Q. Any signature to it?—A. No, no.

Q. Any date to it?—A. There are dates in the document, but I doubt it being dated.

Q. Any statement in it showing by whom it was prepared?—A. No.

Q. That document is in your office?—A. Sure it is there.

Q. And you consulted and used that document as a basis for these questions?—A. I consulted and used a number of documents.

Q. Are they all there in the office?—A. They ought to be; yes, sir
Q. They were there at the time you used them?—A. Why, yes.
Q. Did anybody help you in preparing these questions?—A. Why, only the suggestions that I got from Mr. Lilley as to the line he wanted to pursue, and I talked it over with Senator Thurston.
Q. Did you consult with anybody else?—A. No; not as to the preparation of the questions, as I recollect.
Q. And you prepared questions for Mr. Rice, Mr. Frost, and who else?—A. Well, I prepared them, if I can recollect—I don't know as I can recollect. I think I prepared some for Mr. Barnett and Mr. Johnson on the books.
Q. And for Mr. Treadwell?—A. Yes; those questions that were asked Mr. Treadwell. We wanted something along those lines, and I prepared them.
Q. Did you prepare the technical questions?—A. Yes; those that Mr. Lake referred to yesterday.
Q. Where did you get your information?—A. In some data we have in the office.
Q. They all came from your office records?—A. Yes, sir.
Q. Did you consult anybody else in preparing those technical questions?—A. No; I do not think I did; I do not recollect that I did.
Q. You did that yourself?—A. Yes; or from those documents. It did not take very much to prepare the questions. I know they smiled at some of them.
Q. When you wrote those off which typewriter did you use?—A. I used both typewriters.
Q. What did you do with the questions? How many sets did you prepare?—A. I generally only prepared one set, and one or two I did prepare copies, and when they were introduced I tore them up, after they had been asked. They simply would have laid around and they were not of any use.
Q. After you prepared the questions, what did you do with them?—A. I handed them to Mr. Lilley and said, "If there is anything there that will help you, I hope you can use them?"
Q. Did you suggest names of witnesses to Mr. Lilley?—A. Oh, yes.
Q. Whose names did you suggest?—A. The officers of the Electric Boat Company; some of them, not all of them. He had some and he asked me for some.
Q. Did you suggest any other names?—A. Not that I recollect.
Q. Did you offer to furnish Mr. Lilley any affidavits?—A. No; I only gave those that came in my possession to Mr. Lilley.
Q. What affidavits came into your possession?—A. Well, there was an affidavit from Mr. J. C. Lake, and an affidavit from Mr. Adams, and an affidavit from Mr. Ferguson.
Q. Any other?—A. Not that—there may have been another, I don't know. There was an affidavit, I don't recollect, I handed him three or four affidavits.
Q. You have recalled three.—A. Yes, sir.
Q. Mr. J. C. Lake?—A. Yes, sir.
Q. Mr. Ferguson and Mr. Adams. Do you recall any other affidavits that you received?—A. There was another paper, from a man up in Connecticut some place, but I don't recollect how I got that affidavit. I saw it, and I don't know whether it was made by Mr. Lilley—I looked over it, whether I handed it to Mr. Lilley I don't recollect.

Q. You don't recollect whether it came to you?—A. No.

Q. Would you not recollect if it came to you from your company?—A. No; I would not, because I was not paying much attention to the details of those things. I never have. I have simply the facts in my mind and I never bother myself with details.

Q. Did you request information from the Bridgeport office to help you in preparing these questions?—A. No, sir.

Q. Did you get any information from the Bridgeport office to assist you?—A. Not that I recall; no, sir.

Q. You evolved it all from your own information here?—A. From information I had here; yes, sir.

Q. Did you notify or report to Mr. Lake that you were doing this work?—A. No; I don't recollect that I did. I just simply thought there was no use bothering him, and whenever I needed advice I went to Senator Thurston.

Q. What other sources of information did you use in preparing these questions?—A. I think I have given all that I recollect. I do not know of any—I could not identify them.

Q. You do not recollect anybody else that you went to to get information?—A. No; I really can not recall anyone else.

Q. Did you consult the records of the Navy Department?—A. No; I did not have any records of the Navy Department that I knew of.

Q. Did you consult the records of the Navy Committees?—A. No.

Q. Did you talk with Members of Congress concerning this or get information from them?—A. No; I did not.

Q. You talked with some newspaper men?—A. No, not any; just simply in a general way, as newspaper men would talk on a subject. They were after news, and I suppose they thought if I had any the best way to get it was to get it in conversation, and we talked in that way.

Q. Did you give them news about this?—A. No, because I was not in the inside, and I did not have any to give.

Q. You have testified, if I remember, that when you received those affidavits from Connecticut, there was only an original affidavit?—A. Yes, sir; that was all.

Q. And that came to you?—A. Yes, sir.

Q. And that you delivered that original affidavit to Mr. Lilley?—A. Yes, sir.

Q. Did you make any copy of that affidavit while it was in your possession?—A. I made no copies of an affidavit.

Q. So when you delivered it to Mr. Lilley it was just the original affidavit and nothing more?—A. It was.

Q. Did you get the information that was received concerning Gen. M. C. Butler and his connection with the old Holland Company?—A. No; I did not.

Q. Did you know anything about that?—A. After I had learned about that, I think I learned about it in the newspapers.

Q. Did you inform Mr. Lilley about that?—A. No; I did not inform Mr. Lilley about that.

Q. Do you know anything about the relations of Mr. Creacy with the old Holland Company?—A. Oh, yes; that was general rumor; everybody knew that I guess.

Q. Did you prepare the questions to be propounded to Mr. Creacy?—A. Well, now, I can not say as to that.

Q. Don't you recall whether you did or not?—A. I can not recall that. I would be very glad to tell you if I did. I haven't anything to keep back as to anything I prepared. I prepared a great deal of stuff and I have nothing to keep back; it is only a question of remembering whether I did or not.

Q. Do you recall whether you prepared this question for Mr. Creacy or not?—A. No.

Q. Do you recall whether you prepared the questions to Doctor Kerr?—A. I really could not say. Some of those I prepared. I have prepared an abundance of questions at the suggestion of Mr. Lilley, and I simply did it to be of assistance to the committee. I did not do it to reflect on the committee in any way or from any point of impropriety. I have consulted with Senator Thurston, and he said he saw no impropriety about it, but he said it is an awful difficult matter to bring out information simply from questions. I will give you all the information I know on the subject; I do not want to withhold anything from you.

Q. You do not recall whether you prepared the questions for Mr. Lilley or not?—A. No; I do not recall whether I did or not.

Q. Do you know anything about Mr. Kerr?—A. Yes, sir; it was generally rumored that Mr. Kerr had been employed with the Holland Company for years, and I understood his name to have been brought up in connection with—I think it is in the record of the Lessler inquiry.

Q. Is that all the information you had?—A. I would not know Doctor Kerr if I would see him.

Q. Do you recall any person who told you anything in connection with Mr. Kerr with the company?—A. No; I have no recollection on the subject at all. A lot of this stuff came to me, and, like general information, some would go into one ear and out the other and some I would make a note of.

Q. In what way would this come to you?—A. Gossip, I suppose.

Q. Who with?—A. Anybody I might talk with.

Q. Who would it be?—A. Really I could not say, Mr. Stevens.

Q. Can not you recall any individual you talked with and got some information from?—A. I can not, because I never paid sufficient attention to it. My business was not here to look up the matters of our competitors; it was to get business, and if they were doing anything to keep us from getting the business it was to try and offset it as well as we could.

Q. You can not recall any person you talked with who gave you the information about this man that I gave you?—A. Oh, no.

Q. Did you prepare the question for Mr. Sands?—A. Yes, sir; I may have; I do not know.

Q. Do you not know anything about Mr. Sands in connection with the old company?—A. I have heard that Mr. Sands had been employed with the old company and had gotten some information, and looked after their European business and gotten a statement on that from some naval officer recommending submarines.

Q. Have you information in your office by which such questions were prepared for Mr. Sands?—A. I may have.

Q. You do not remember, then?—A. No; I do not remember.

Q. Did you prepare the questions for Mr. Creacy?—A. Let me see I think I did; I don't know.

Q. Then where did you get your information?—A. I got that from the newspapers—I think afterwards—and from what had come into the committee here. I think I consulted some newspaper clippings; I do not know just exactly where I got that.

Q. Did you furnish Mr. Lilley with newspaper clippings that he used in his testimony?—A. No; I did not.

Q. Did you consult those newspaper clippings in preparing your questions for Mr. Gordon?—A. I consulted those and the general report about that Mr. Gordon had been employed. I did not know anything about it until after I saw it in the newspapers, because I had never seen Mr. Gordon and never came in touch with him, and never knew that Mr. Gordon was coupled with the Electric Boat Company.

Q. What newspaper did you see this in?—A. I think it was some of the Washington papers. It may have come in some of our clippings; we take clippings from the New York Clipping Bureau.

Q. You do not recall which Washington paper?—A. No; I do not.

Q. You do not recall which one of the papers?—A. No; I do not.

Q. You may have seen it in your printing.—A. I may have.

Q. What is the scope of the clippings that you received?—A. We do not limit them. We tell them to send anything that touches on submarines.

Q. Is it your business to read them over?—A. I generally look them over each day as they come in; anything of importance we file them all.

Q. You think it is from some of those clippings that you first got information concerning Mr. Gordon?—A. I am quite sure it is. I may have gotten it in conversation with Mr. Lilley; I do not know.

Q. You do not recall where you got your information upon which these questions were based?—A. No, sir; I can not recall.

Q. Do you know where you got your information outside of this newspaper?—A. I do not know of any place I could have gotten it unless it was from Mr. Lilley in my conversation with him.

Q. You got that information probably from Mr. Lilley in preparing your questions for Mr. Gordon?—A. Probably; yes. The details of dates I have got a great many other matters I am paying attention to and a good many of these things I did in a perfunctory sort of a way to help out. I could not be positive of all my details.

Q. At Mr. Lilley's request did you do this?—A. Yes; a good bit of it. He said, "You understand this thing, many phases of it; I am awfully busy; I wish you would help me out." I thought it was my duty to do so.

Q. You kept informed as best you could during this investigation?—A. I have kept informed; yes.

The CHAIRMAN. Is there anyone in your office now; is it open?—A. I do not know as there is. Mr. Lake was going away at 3 o'clock, and Mr. Adams, and so they were all going away to-day.

The CHAIRMAN. Do you object to giving Mr. Haynes, clerk to the committee, the key to your office, so that he may prepare sample papers from the typewriters in your office?

A. No; I will go down with him.

The CHAIRMAN. We will want you here.

A. Why, no; here is the key; you can go down and take anything you want.

Q. Since this investigation has started and you have been preparing these questions have you received any fresh information that has assisted you?—A. Only those affidavits that I recall that came in here.

Q. You have not received any new information in connection with your files?—A. No; I do not know of any.

Q. So that your files contain the information just exactly as you used it as the basis for those questions?—A. It may; I gave to Mr. Lilley a lot of the documents, in order that he might prepare lines of questions. I told him I could not attend to all this. I have been studying law here in connection with my work and I gave him a lot of those documents.

Q. Now, when did you give him those documents?—A. A number of days ago, and from time to time I gave them to him.

Q. Did you give that information to him before he introduced his resolution?—A. Oh, no.

Q. It was all after?—A. It was all after the committee had been in session.

Q. Was it after this committee had been appointed, do you know?—A. Yes.

Q. Was all of this done after the committee had been appointed?—A. I am quite sure. I will not be certain of what information I have given him, but it was after the committee had been appointed, I am quite sure.

Q. You gave him none of this information you have told us about before the committee had been appointed?—A. I am sure of that.

Q. You recall there was quite a time intervened between the time Mr. Lilley introduced his resolution and the time the committee was appointed?—A. Yes, sir.

Q. Now, did you confer with him during that time?—A. I did on several different times to endeavor to ascertain what he had to back up his resolution with, and he would not give me any information or talk much with me on the subject. I think it was a little after the time that Mr. Lilley had his little newspaper controversy that I told him I thought he ought to have the assistance of an attorney and suggested Senator Thurston.

Q. And that was the first time that you and he had a rather brief talk about this matter?—A. Yes, sir; that was the first time that he really condescended to talk much to me on the subject.

Q. Can you recall about how long that was after he had introduced his resolution; was it before this committee was appointed?—A. It must have been, because I do not think it was appointed until after the Lord newspaper episode.

Q. Did you take part in that hearing before the press committee?—A. Oh, no; I never had anything to do with that.

Q. Did you furnish any information for the press committee?—A. Not a thing.

Q. Did you follow that investigation that the press committee made?—A. No; only generally as the report was. I know nothing about it.

Q. So that you had this conversation with Mr. Lilley, and he opened up after the press committee investigation?—A. Yes, sir; it was about the time that your committee went into session, I think.

Q. And up to that time you had given him no assistance?—A. No; I had not been any assistance to him.

Q. And up to that time you had not learned from him anything about the scope of his information?—A. No; he simply would say, "Well, I have got enough to support me in my controversy."

Q. Did he communicate to you at that time any information he had?—A. No.

Q. Has he communicated any since?—A. Only what has come out of the committee; everything has come out of the committee that I have any knowledge of.

Q. And he has directed you simply in preparing these questions?—A. Yes. Oh, he suggested lines along which he wanted questions asked in order to draw out points that he had in mind.

Q. Has he suggested facts to you to base questions upon?—A. Yes.

Q. What facts did he suggest?—A. Well, I could not say, because I have not burdened my mind with all that stuff; I would get it off and forget it.

Q. He suggested facts to you concerning Mr. Frost?—A. Many of them; I know he did. The questions were mostly all prepared along the lines that he indicated to me that he wanted questions prepared.

Q. Where did you get the facts?—A. Some data, I think; some of them contained in pamphlets and articles; we had general information and some data that he had given me.

Q. What way would he give that to you?—A. He would just simply tell it to me and I would go and use it.

Q. Where would he tell it to you?—A. I have seen him in his room at the Willard Hotel two or three times a week. I saw him about this thing. He was very willing to have my assistance after he got into this, but he did not want very much before he got into it.

Q. He would make appointments with you to meet him at the Willard?—A. I would generally go down to see what was going on or to find out what had developed, or the secretary would come and tell me that Mr. Lilley would like to see me.

Q. He would come to your office?—A. Mr. Lilley came up to the office on one occasion, that was some time ago. He never came in. He stopped and asked me questions about some matter. I think it was about the preparation of some data and that was the only time. The secretary came up, and I allowed his secretary to use my typewriter to prepare some questions from the data we had in the office. He prepared some of the questions in the office there on my typewriter.

Q. That is, his secretary?—A. Yes; with the data I gave him.

Q. Did that occur very often?—A. Once or twice.

Q. Do you know whether any of these questions were prepared outside of your office?—A. I could not say as to that, I do not know.

Q. You have seen most of them here?—A. No; I have not read them or looked after it much. I have not given this any more time than I had to, because I wanted to put my time on my books.

Q. Would you not recognize if any of these questions had been prepared outside of your office?—A. I do not know as I could. I would endeavor to.

Q. Do you not know whether or not any of these questions were prepared outside of your office?—A. There is a raft of questions I never prepared.

Q. Lots of them?—A. Yes, sir. I do not claim I prepared all of those by a great deal.

Q. What list of questions were there that were prepared outside of your office that you did not assist in preparing?—A. I could not say until we reviewed them and see what is there. I could not even tell then what questions I prepared. I could not recall.

Q. Of course I am speaking of the questions Mr. Lilley submitted to the committee to be propounded to the witnesses.—A. I ought to identify those questions I prepared I think. I do not know whether I could differentiate between my typewriting and somebody else's. I would endeavor to do so if I could.

Q. Did you see questions which Mr. Lilley prepared which had not been prepared in your office?—A. Not to my recollection; I would not say for certain.

Q. You would identify your own typewriting?—A. I do not know as I could. I would endeavor to. I do not know as my typewriter is different from anybody else's.

Q. Those questions that were propounded to Mr. Rice—there were about a dozen or fifteen pages of them—do you remember how many pages you prepared of those?—A. I really don't know. I think I prepared several pages; I don't know—three or four, five or six, or seven; I do not know.

Q. And of Mr. Frost, there were about four pages of those. Do you know whether you prepared all of them?—A. No; I do not know whether I prepared all of them?

Q. Did Mr. Lilley indicate to you that he had other questions being prepared somewhere else?—A. I don't think we discussed that; I don't recollect.

Q. You obtained no information from him, then, as to whether you were the sole one who was helping him?—A. No; I did not talk over that at all. It did not interest me.

Q. And he did not give you other sources of his information concerning the preparation of questions?—A. No; not that I recollect. If you would let me see the questions I could more than likely tell those.

By Mr. OLMSTED:

Q. I have some of these questions here that will perhaps assist Mr. Neff. That seems to be (I show the witness) the question submitted by Mr. Lilley to be propounded to Mr. W. D. Gordon?—A. I think so; I would not say.

Q. Here is a paper; here are a series of questions submitted by Mr. Lilley to be propounded to C. E. Creecy, C. S. McNeir, and Hon. M. C. Butler.—A. I think I prepared those; I am pretty positive I prepared all of that stuff. I think it is on the same kind of paper. I think I gave Mr. Lilley's secretary a great deal of the paper and he prepared it on the typewriter. I did not prepare that.

Q. Which is that?—A. I think I prepared this stuff; I am not sure.

Q. I will show you the questions which were submitted to the committee by Mr. Lilley to be propounded to the witness, W. D. Gordon, and ask you whether you prepared those questions?—A. I think I prepared those questions.

Q. Also in one of the papers the questions which you submitted to be put to Mr. C. E. Creecy, C. S. McNeir, and Hon. M. C. Butler.—A. Well, now, I think the substance of that was given to me and I think I prepared it.

Q. I am just asking now about the——A. Typewriting, yes.

Q. Also a set of questions submitted to the committee by Mr. Lilley to be put to Mr. E. W. Creecy, Mr. F. P. B. Sands, and Dr. W. R. Kerr.—A. I think I prepared that.

Q. Also a series of questions or a few questions submitted by Mr. Lilley to the country, to be propounded to Frank L. Edinborough?—A. It looks like my typewriting; I would not say for sure.

Q. Also questions submitted by Mr. Lilley to be propounded to Hon. Marion C. Butler?—A. That looks like my typewriting.

Mr. HOWARD. Let us go into the substance of the questions and not merely the typewriting.—A. I think it was all suggested to me.

Q. A series of questions submitted by Mr. Lilley to be propounded to Mr. Treadwell. State whether or not you prepared those questions.—A. Well, I know I prepared those. I do not know whether that is my typewriting; that is what I did not recognize; it did not look like my typewriting. I think I prepared this whole bunch of questions. Those are the identical questions; got them out of Commander Suter's book.

Q. The paper submitted by Mr. Lilley entitled "Questions for naval officers that may testify as to the Lake boats."—A. Yes; I think I prepared those; yes.

Q. Also questions submitted by Mr. Lilley to be propounded to Mr. Ferry?—A. Yes—that is not my typewriting though; I know it is not my typewriting.

Q. They are not written on your typewriter, but you think the questions——A. No; I would not say as to that; my recollection is poor on that.

Q. Also questions submitted by Mr. Lilley to be propounded to Mr. Frost?—A. I think I prepared those; yes.

Q. The one I refer to now contains the name of the woman.—A. Yes.

Q. Those questions you prepared?—A. Yes. Well, they were suggested to me.

Q. The questions, then, were put in form by you?—A. I think so, either me or Mr. Lilley's secretary. I allowed him to use my machine in several instances.

Q. Here is another series of questions submitted by Mr. Lilley to be propounded Mr. Frost.—A. Yes; I think I did the typewriting on those.

Q. Then, as I understand it, Mr. Neff, the questions that I have submitted to you were prepared; I do not mean that you originated the questions——A. I could not say positively. I would say that they look like questions I prepared; that is, some of the typewriting I could not recognize, but you can say that as a general thing a large portion of that I got out.

Q. Now a number of these, most all of them, at least a number of them, conclude in this way: "Not being an attorney or having an opportunity under the rules of the committee to have any of said witnesses examined by attorneys, I am unable to state more specifically the line of inquiry I desire to have pursued, and the responsibility of

such examination must remain as decided by the committee upon the members thereof." Whose language is that?—A. That is not mine; that is Senator Thurston's.

Q. Were those questions dictated by you to a stenographer?—A. No; I had no stenographer. I do my own typewriting unless it is a case of rush that I am not able to attend to it.

Q. Then this typewriting was either done by you or in some instances by Mr. Lilley's secretary?—A. I should say so; yes.

Q. What did you do with the questions when you had written them out?—A. I generally took them to Mr. Lilley; I do not know whether I consulted Senator Thurston on them or not. Sometimes I told him what I was going to do. I would tell him what I was going to do and he would tell me, "Go ahead; there is no impropriety about that." And I trust that the committee does not see any impropriety. I have nothing to keep from you.

Q. We are not finding any fault at all.—A. And I do not want you to think that I was trying to impede the work or to do anything detrimental.

Q. We are not finding any fault at all. Then let me ask: These questions, these various lists that conclude with the paragraph I have quoted to the effect that Mr. Lilley is not an attorney, etc., did those questions originate with you or were they given to you by somebody else?— A. I think that we talked them over, didn't we, Senator, and the Senator either suggested them to me or dictated them; I am not sure. I think Mr. Lilley said he wanted something along that line and either told the Senator and then the ideas were conveyed to me and I may have gotten them out. Really, I wish I had more details as to just what did happen, because it is just simply a question that I did not burden my mind with those things.

Q. You and the Senator between you, then, got out the questions?

Senator THURSTON. I will answer that. All of those lists of questions that wind up in the manner indicated were dictated by me to Mr. Neff. As to any of the other lists I do not know anything about them.

Mr. OLMSTED. You put that to all you dictated—you wound up with that paragraph?

Senator THURSTON. I employed the same peroration in all of them.

Mr. HOWARD. That is your hall-mark?

Senator THURSTON. Yes.

Q. Aside from those which the Senator said he dictated to you, who were present when you prepared or dictated those other questions?—A. Well, I did not dictate any other questions; I know that Mr. Lilley's secretary came up for data. He said he could not get documents that he was trying to prepare some figures from and he wanted to know if I had them. I turned over what documents and reports I had to him, and I know while I was working there he worked on those, and he prepared a great deal of matter from the documents I had submitted to him.

Q. Mr. Neff. I think you testified that the affidavits of Mr. J. C. Lake, and I don't know whether you mentioned Sam. Ferguson or not. Did you mention his affidavit?—A. Why, yes.

Q. They were sent to you from Bridgeport?—A. Either sent to me from Bridgeport or handed to me by Mr. Lake.

Q. Do you know about when you received that?—A. I could not state the date; surely after they were dated.

Q. Mr. Sam. Ferguson's is dated March 12 and Mr. Lake's March 16.—A. They either came to me by mail or they were handed to me by Mr. Simon Lake. He was down here on the 18th of March. He came down here for the purpose of getting a report of the *Lake's* recent trial.

Q. You either received them by mail or by hand about the 18th of March?—A. Yes.

Q. I thought you said you did not make copies of them?—A. No; I did not make copies of them.

Q. How soon did you hand them to Mr. Lilley?—A. I do not know. Some of them I guess I handed right away, and others I kept I think for some little time.

Q. I mean these two, Ferguson and Lake.—A. Really, Mr. Olmsted, I could not state just what date I did hand them to him.

Q. Did you hand them soon after you received them?—A. I may or may not; I could not say; I know I handed them to him.

Q. Mr. Neff, how much of the year 1907 did Mr. J. C. Lake stay in Washington?—A. Mr. J. C. Lake was here off and on. He was inclined to go about from place to place—that is, backward and forward between Bridgeport. He liked to travel, and he was at a sanatorium for a large portion of the time. When the Attorney-General's report was made he was in the sanatorium.

Q. Where?—A. Washington Sanitorium, at Takoma Park.

Q. But he was here, coming and going?—A. Off and on; he had charge of the matter, and I was under Mr. Lake at that time. When he was absent I had supervision of matters.

Q. Did you hear Mr. McNeir's testimony?—A. I did not.

Q. Have you read it?—A. No, I have not. Yes; I read some parts of Mr. McNeir's testimony as to some letters he submitted. I recollect now I did read some of his testimony.

Q. You saw him here; you knew that he was here representing——A. Oh, yes; I had seen Mr. McNeir on the street.

Q. It is not important, but your duties in relation to the Lake Boat Company——A. Are very similar to Mr. McNeir's duties.

Q. How long have you known Mr. Lilley—Representative Lilley, of Connecticut?—A. I met him about the 1st of January, 1907, first. I met him some time early in January, I think.

Q. Where did you meet him afterwards?—A. At Bridgeport.

Q. How did you happen to meet him there?—A. We were giving a demonstration of the *Lake*.

Q. Did you go down in the Lake boat?—A. Yes, sir.

Q. Did Mr. Lilley go down, too?—A. Yes.

Q. Was there anything to eat and drink on that occasion?—A. There was plenty to eat, but nothing to drink, I am sorry to say.

Q. Did the guests pay for their own luncheon?—A. No, sir; it was prepared on board and served on board.

Q. Presumably by the host of the occasion?—A. We served it; yes, sir.

Q. You would not be so unkind as to take people out at sea and not give them luncheon?—A. No; we wanted them to be as comfortable as possible, and it was out during the lunch hour, and so we prepared this lunch.

Q. Now, by whose invitation, if you know, was Mr. Lilley there?—A. I think he was there at Mr. J. C. Lake's invitiaton, as I recollect it.

Q. Did you not write to Mr. Lilley asking him to come there at that time?—A. No; I did not.

Q. You did not send him a written invitation?—A. No; I do not know whether he was seen personally or how.

Q. If he did get one, you did not send it?—A. No.

Q. When next did you meet him?—A. I think I met him once after that and asked him how he liked his trip.

Q. Where did you meet him that time?—A. In the lobby of the Capitol, in the hallway.

Q. About when was that?—A. It was the time after this submergence on the *Lake*.

Q. The submergence—you mentioned when it was? I think you did, perhaps.—A. It was early in January.

Q. 1907?—A. Yes.

Q. Congress was in session at that time?—A. I think it was just before Congress convened after the holidays, as I remember.

Q. The next time you met him in Washington in the lobby of the House?—A. Yes; simply asked him how he enjoyed his experience, and he kind of said, "Oh, I guess it was all right."

Q. When next did you meet him?—A. I think the next time I met him was at Waterbury.

Q. What was the occasion of that visit?—A. That was incident to the contract that we were working for. Senator Thurston had submitted a brief to the Attorney-General in our behalf and the Attorney-General had rendered his decision in which he stated that the Secretary could in his discretion award contracts to the Lake Torpedo Boat Company, and there was a rumor afloat that this was to be decided before the Secretary returned and we were very desirous of having the Secretary adjust that matter himself, as all our negotiations had been with the Secretary and he understood our position a great deal better than anyone else and so we were desirous of having the Secretary withhold the awarding of those contracts until his return and he personally could go over the situation, thinking that that would give us a fairer opportunity to present our side of the question, and I simply went to him and requested that he send a telegram. I do not suppose our conversation was more than five minutes, because he had some social engagement that evening.

Q. You mean with the Secretary, or Mr. Lilley?—A. Mr. Lilley—he had some social engagements and so he said, "Yes, you write the telegram;" and I wrote the telegram and asked him if he would sign it, and he signed the telegram and I took it to the telegraph office, and then I asked him whether he would write a letter in our behalf, asking that we would be given a fair opportunity. I left him then and I do not suppose the conversation was more than five minutes at the hotel. The family had some social function on, and the next morning I went to his office just before train time and got the letter. That is all there was to it.

Q. Do you remember what the telegram said?—A. Yes, sir; I put it as strong as I could; told him in the interest of his constituents the Lake Torpedo Boat Company asked him to withhold his decision until he returned.

Q. You took it to the office, and you do not know whether that was sent?—A. Yes.

Q. The letter you received from him; how was that addressed?—A. I think it was addressed to the Lake Torpedo Boat Company. He sent a copy to the Lake Torpedo Boat Company, as I recollect.

Q. I thought you said the next morning you went to his office and got the letter?—A. I got a copy of the letter that he addressed to the Secretary. I wanted some evidence.

Q. Not the original but a copy?—A. A copy; yes.

Q. Then the letter went by mail?—A. I understand so; yes.

Q. The letter was in accord with your request of Mr. Lilley?—A. No. He pointed out, I think, in that letter, the advantage of competition and that we ought to be given a fair trial to have our share of the business.

Q. Now, who prepared the form of the letter?—A. I do not know who prepared the letter. He prepared that letter himself. I had not anything to do with it.

Q. You did not submit a form of letter to him?—A. No.

Q. The letter was asking the Secretary to withhold action until his return, or something to that effect?—A. That letter ought to be on file in the Secretary's office.

Q. I just wanted to identify it. It was something to that effect?—A. Yes.

Q. How did you come to meet him—that was at Waterbury?—A. I went to his hotel. I tried to get him over the telephone from Bridgeport and I had a great deal of difficulty, and at last I reached him down there and sent up my card and presented to him in as concise a way as I could what I wanted. He told me he was very busy. I told him it would take but a moment, and he told me to write the telegram. I put it as strong as I could consistently with our position, asking the Secretary to withhold his decision until he returned.

Q. Did you have an introduction to him? He knew you; you had met him before?—A. He knew me; he had met me at those trials.

Q. Did you have any correspondence with Mr. Lilley at that time?—A. I do not recollect any now, if I had any. I had no occasion to correspond with him.

Q. When did you next meet him after that meeting at Waterbury?—A. I think the next meeting. I never met him until I heard he was in town. Somebody told me he was in town last summer, before the contract was let, and I went down to the hotel and tried to see him, and he was away, and then I went again to see him.

Q. You sent up your card to him?—A. I think I sent up my card to him; I do not recollect. Either I saw him in the lobby and approached him. I said, "I understand that you have been to the Navy Department." I said, "Were you able to learn anything that would be of value to me in the matter of our negotiations with the Department for the purpose of securing this contract?" He told me that there was not anything. He said he had not learned anything—did not give me any information, and he led me to believe that it was going to be a pretty hard work for us to get recognition at the hands of the Navy Department.

Q. Did he give you any advice as to the best way to proceed?—A. No; he has never given me any advice as to how to proceed that I know of.

Q. That was in the summer of 1907?—A. Yes; in the early summer.

Q. When did you next see him?—A. I did not see him again, I do not think, until February, I think it was. I think it was the time I mentioned walking up to the Capitol with him. I do not recollect seeing him again after that.

Q. I will ask you to refresh your memory, Mr. Neff, and say whether you did not ask Mr. Lilley to come down and assist in getting the contract.—A. I think that Mr. J. C. Lake may have done that; I do not think I did.

Q. Did Mr. J. C. Lake do it through you?—A. I do not recollect, Mr. Olmsted; he may have done that; we were putting forth every effort we could to get recognition, and he may have done that; I think in all probability he did.

Q. You knew from Mr. Lake or from Mr. Lilley himself that he was coming before he got here.—A. No, not at that time. I remember telephoning to Mr. Lilley, but he said he could not come.

Q. When was that?—A. In the fall some time, before this contract was let to the *Octopus* people, I think.

Q. He did come later?—A. Not in connection with that. He was down here, I understood, with some governor from Connecticut. A crowd from the *Connecticut* went to the exposition. That is how I saw that he was here. I hunted him up; I wanted his assistance.

Q. Did they all stop here on their way South?—A. At the Raleigh Hotel.

Q. Did they call on the Secretary of the Navy?—A. I understood that Mr. Lilley went up there on some other matters. He gave me very little information.

Q. Do you know whether the others in the delegation called?—A. I am sure they did not. It was not a Connecticut delegation; it was just some citizens there who were on the governor's staff, I think.

Q. If I understood you correctly, you said you handed it to Mr. Mudd—an amendment or something to the naval bill, covering the proposition.—A. Mr. Mudd did not take it; I showed him what it was.

Q. Did you also submit it to Mr. Lilley?—A. No.

Q. I asked you because I understood you to say you did not. I want to call your attention to his testimony.—A. I am referring to the 1907 act; you are referring to the 1908 act. I did testify here to the 1908 act. I offered him the Sperry bill and asked him to make a motion in committee, and he refused to do so.

Q. I was confused, then, between the acts?—A. Yes, sir.

Q. Did he say to you at that time how he would vote on it if somebody else offered it?—A. He said he would be for a moderate amount of submarines and I did not need to request him to vote for open competition.

Q. When you submitted to him that particular proposition, did he not say he would vote for it if somebody else offered it?—A. No; I do not think he did. My mind was intent on getting him to make the motion. I said, "If you will not do that, will you be for open competition?" He said I did not have to ask him that; he will be for anything like that. I understood that he would support the motion if it was introduced.

Q. Now, then, when did you next meet Mr. Lilley after you asked him to offer that amendment or motion in the Naval Committee?—A.

I think I hunted and looked him up after the Naval Committee had adjourned and asked him about the action of the committee. He told me that the thing had failed and said that they had a pretty hot struggle in there and said that it was an executive session, and I did not discuss it any more with him.

Q. Did he at that meeting discuss the investigation?—A. No; he did not. He never did discuss anything like that with me.

Q. Or in your presence?—A. No; he did not.

Q. When next did you meet him?—A. Oh, I don't know when I next met him. I did not meet very many people after that. The thing was pretty dull. Senator Thurston and I got together and we prepared to fight that on the floor of the House, and we had the whole thing prepared, and we were to fight on the floor of the House for open competition on the broad lines that it was for the best interests of the United States Government to foster competition, and we were a competing company to bid for the business, and we felt confident that Congress would give us that opportunity, and my time after that was principally spent with Senator Thurston.

Q. In what way were you going to make a fight on the floor of the House?—A. We were simply going to base it on the restrictive features of past legislation and ask that those would be removed.

Q. I know, but you would not have had access to the floor of the House yourself.—A. We were going to ask whatever Representative would be interested in such a fight. We had not decided upon any particular Representative as yet whom we would have, but I had in mind two or three Members of Congress.

Q. Whom did you finally determine upon to make the fight?—A. Mr. Hill, I think, is the man that I had in mind. I think he was a Representative from the Bridgeport district.

Q. A very good man.—A. And I thought we would ask him. Our remarks were not personal or directed against our competitors; they were simply on the broad principle of competition, and we intended to make a fight along those lines.

Q. And you would have furnished the information for the argument?—A. The Senator and I discussed it together.

Q. What part was Mr. Lilley to take?—A. We had not given him any part. He had not been very favorable to us and we wanted somebody to fight.

Q. You did not consider him much of a fighter?—A. We did not think he had fought very hard for us up to that time and it was tried material we wanted.

Q. When next did you see Mr. Lilley?—A. Oh, I do not know exactly just when I did see him. I tried three or four times to see him, and I had been unable to see him. I tried to find out when the bill was coming up—whether or not it was coming up right after the committee voted on it, and I failed to see him. I believe the next time I saw him, as I said in my testimony, was in the Willard Hotel. After he had introduced the resolution, I had gone to him to find out what he had to base that on.

Q. He offered it on the 20th of February?—A. Yes, sir.

Q. You saw him on the same evening?—A. I saw him that same evening.

Q. Was that his suggestion or yours?—A. What?

Q. To meet him.—A. I went to the Willard Hotel. I knew he was there and wanted to find out as much as I could about the matter. We were concerned, as it was a matter that touched on our business, and he just walked across the lobby of the hotel. He was in the writing room talking to some newspaper man—I do not know his name; I was not acquainted with him. I waited outside until he got through. He seemed to be in a hurry to see somebody else. I asked him about it and he said: "You will see all of this in the paper in the morning." He said, "I have given out a statement to the press," and that was all there was to that.

Q. You did not have much trouble in seeing him after that.—A. Mr. Lilley was very close to me and did not give me much consideration until after he gave out certain information to the newspapers.

Q. Now, Mr. Lilley went to the Committee on Rules.—A. Yes, sir.

Q. I have forgotten the exact date; it is here somewhere. He has testified, I think, that you and the Senator were in consultation with him and helped him to prepare that statement. That is correct, isn't it?—A. I know we helped him to prepare a lot, I don't know what we did on that. The Senator could testify as to that.

Q. You were present at the interview.—A. I was present a part of the time at the first interview they had at the Willard Hotel; I know that.

Q. Was that statement of his typewritten in your office?—A. I could not say, really.

Q. Did you not get the statement out for him?—A. Well, now, as to that, I may have and I may not. I did prepare a great deal of matter for him and I may have gotten that out.

Q. The typewriting all looks alike to us; and having mentioned that you were there, led me to ask the question.—A. Well, I don't know as I was. I don't recollect. I had no idea that I was going to be drawn into the thing or I would have made notes so that I could testify more specifically.

Q. Then, when Mr. Lilley appeared before this committee, he submitted a typewritten statement. That was typewritten in your office, was it not?—A. I think that was the statement that Mr. Brown and Mr. Judson prepared. Those statements, I think, were prepared by Mr. Lilley's secretary in our office. I think I helped him.

Q. Here appears to be the first page of the statement that he made before us. The statement made by Mr. Lilley before presenting himself as a witness—this paper that I have shown you, Mr. Neff—whom did you say prepared that?—A. I think I assisted Mr. Webster in the preparation of that. I think that was the memorandum prepared by Mr. Judson and Mr. Brown. They were in a hurry to get that out that night and they wanted to know if they could not use my typewriter. It was right near by and it was quite a way up to the Capitol. I think we both worked on that, as I recollect.

Q. I will show you this statement submitted by Mr. Lilley, beginning thus: "Mr. Chairman, in my examination before the Committee on Rules I made the following statement." Then follows the statement, this paper covering some 16 pages. I show this to you and ask you if you know who prepared that?—A. I am sure that I did not prepare that.

Q. Beginning on page 27 of the proceedings which are printed in this case.—A. Yes, sir; I believe I did prepare this, too, when I come to

see it. I think this is some of my work. I recognize these figures. Here are my figures.

Q. Who dictated that to you, Mr. Neff?—A. I do not know. All the dictation I received from anybody was from Senator Thurston. I judge that the Senator could more than likely identify that.

Q. All I have to say, if he can not, it is somebody that imitates his style pretty well.

Senator THURSTON. I have not looked at it, but I have no doubt that I dictated it. My recollection is that I dictated the paper he presented to the Committee on Rules. One of a somewhat similar character, where he asks for an attorney, was framed at a conference between his two attorneys, Judson and Brown, and myself, at which conference I went on and dictated several different parts, saying "I suggest as follows," and those suggestions, as dictated by me, were pretty full and were left with those two attorneys, and just how much they changed or added to that I don't know. The substance, though, I am sure is my dictation.

The CHAIRMAN. That will account for certain passages between the one which Mr. Lilley read before the Committee on Rules and one that Mr. Lilley read here.

Senator THURSTON. I did not see the copy of my dictation that I dictated in that conference with the other two attorneys, but they were to look them over and make any changes or suggestions that they saw fit, and I think that they did change that in some respects, but I do not believe that they did very much. I think that is practically my dictation.

Mr. OLMSTED. Then, substantially, it is not necessary to take Mr. Neff through it. Substantially the statements that were submitted by Mr. Lilley in typewriting to us before he took the oath as a witness, and his preliminary statements that he made when he took the oath and the statement which he read, commencing with his testimony, they were dictated by yourself.

Senator THURSTON. Substantially. The first one, I think, was entirely by myself, and I think that the other one was modified, I think, by his attorney.

Mr. OLMSTED. The one he read before the Committee on Rules was entirely by yourself?

Senator THURSTON. I think so.

Mr. OLMSTED. The one asking that he be permitted to have an attorney to examine and cross-examine witnesses——

Senator THURSTON. That was one, I think, that was in the nature of a suggestion that I made at that conference with the attorneys. Whether they added anything to it or changed it I do not know, but I do not think they did substantially.

Q. Mr. Neff, it seems that Mr. Lilley, on the 16th of March when he appeared here, had a large package of these papers and questions to be propounded to the various witnesses, and so forth. Then you must have had numerous interviews and consultations with him.—A. I said two or three times a week. I saw him quite frequently; I saw him as often as I could.

Q. Practically daily conferences?—A. Oh, yes; I was desirous to lend any assistance I could to clear up submarine legislation. The introduction of that resolution made it difficult for me to work be-

cause of the discredit it placed upon submarines, and, as I said, Senator Thurston and I felt that we could win out on the floor of the House by well-prepared argument in our behalf, and then after the thing came up I thought that it was our duty, inasmuch as we were confronted by the conditions, to do all we could to assist, and that is the way I saw my duty and that is the way I executed it.

Q. Now, Mr. Neff, you remember, I think, that perhaps you did testify, when the Connecticut delegation was here to call upon the Secretary of the Navy, with reference to the contract.—A. It must have been in the middle of January. I know it was a week or ten days before we got the contract, or more than that.

Q. Mr. Lilley handed in here with his preliminary statement, on the first day he testified, certain newspaper clippings with reference to a Member of Congress.—A. I know nothing about that whatever, except what I saw in the record. I gave him no newspaper records and furnished him with nothing along that line.

Q. What was it Mr. Lilley told you about Mr. Loud and his affairs in the district?—A. I recall about that. I asked him about that, and he did not say anything about Mr. Loud; that Mr. Gordon was an attorney employed in that district, and that they brought pressure to bear upon him to vote for the submarines. I did not know anything about him up until that time.

Q. And that he had been warned against two newspaper men who were mentioned as representing the Electric Boat Company. Do you know who warned him?—A. No; I was not out sounding any alarms.

Q. Do you know Mr. Johnson?—A. Arthur C. Johnson?

Q. Yes.—A. Yes; I know him very well.

Q. What is his occupation?—A. Mr. Johnson was with the company before I came, and he was a newspaper man, and when he came with our company he cut off all newspaper work outside of that and did no work in connection with other newspapers, and he was to act for our interests as far as newspapers were concerned if it became necessary and to prepare advertising matter and generally to see that the interests of the Lake Torpedo Boat Company were not misrepresented. I do not know of any special article that Mr. Johnson put in print with the exception of one, and that was an article relative to the shipment of the *Protector* to Russia. I think that appeared in the Army and Navy Register. Mr. Johnson is a most honorable and capable newspaper man and his connection with us was proper and legitimate, and I do not think that his name should be brought in connection with this investigation in any way that would cast any discredit upon him, because he has done nothing that was improper in any way.

Q. You understand that we did not bring it in.—A. His name had been brought in on two or three occasions and I know Mr. Johnson so well that I do not want any reflection made upon him.

Q. It was brought in by Mr. Adams.—A. I do not know what Mr. Johnson's and Mr. Adams's relations were.

Q. I understood from Mr. Adams that Mr. Johnson is not in the employ of the company.—A. No, he grew tired of the submarine business, longed for the newspaper field, and he felt more fitted for that, and so he resigned from our business to go into the newspaper field again.

Q. What Members of Congress did Mr. Lilley say he had talked with about this matter?—A. I do not know of any except Mr. Bannon, I think, was his consultant.

Q. Did he mention no other Member of Congress?—A. Not that I recollect.

Q. Do you know Mr. A. S. Jenkins?—A. No.

Q. S. A. Jenkins?—A. What is his business?

Q. I do not know.—A. I never heard of him.

Q. I have a letter from him; he seems to be interested in this matter.—A. I do not know.

The CHAIRMAN. Mr. Howard, would you like to ask any questions?

By Mr. HOWARD:

Q. Has Mr. Lilley paid or offered to pay you for your services rendered to him—that is, in the way you have described?—A. Oh, my, no. I simply thought that I was doing my duty, and I am paid for my services by the company, and he never suggested—or nothing like that came up. It was perfectly voluntary on my part.

Q. Then, what you have done you have done in the line of what you conceived to be your duty in the employment of your company?—A. Solely; and if I had thought I was going to get up against this I would never have touched it.

Q. Then, what you have done meets with the approval of your company?—A. I never consulted with my company. I know I got called down for a couple of things I had done by Mr. Lake.

Q. Did you tell them what you had done?—A. I have told him—Mr. Simon Lake—since he came down here, and he objected to two or three things I did, and I told him I did not see it in that light, and I went ahead as best I knew how.

Q. Has he discharged you from his service on account of any interests?—A. I do not think so; no. Because we differ in opinion is no reason why a man should be discharged from his service.

Q. You have acted, then, throughout on what you conceived to be your duty?—A. My own duty, without any incentive from anybody else.

Q. I mean your duty to this corporation.—A. I thought it was my duty to the company, to the committee, and everybody, that whatever we knew we would furnish and give any assistance.

Q. And wherever your own judgment hesitated you consulted the company's counsel, Senator Thurston?—A. I did, sir; yes, certainly.

Q. Now, then, is it or not true that substantially all of Mr. Lilley's former statements to this committee have been prepared either by you or after consultation with you and Senator Thurston?—A. Well, I should say a great portion of it; yes.

Q. Now, is not it true substantially that the question submitted by Mr. Lilley to this committee to be propounded to the various witnesses had been prepared either by you and Senator Thurston, or after consultation between you and Mr. Lilley?—A. Practically, so; yes.

Senator THURSTON. I would like to make one statement right there. Aside from those forms of questions that wind up in the same way, there were none of the other questions that were prepared after consultation with me or by me. As to those, I did prepare them.

The CHAIRMAN. We can recognize all of those by the ending.

Senator THURSTON. I think so.

TESTIMONY OF SENATOR JOHN M. THURSTON—Recalled.

By Mr. OLMSTED:

Q. Senator, you were at the banquet, Mr. Neff says, at the New Willard?—A. I was at a luncheon on a Sunday afternoon, I think it was, before the holidays.

Q. And a good luncheon, I hope?—A. I thought it was very fair.

Q. Was Representative Lilley there?—A. I think I can tell you all who were present.

Q. We have no objection.—A. Mr. J. T. Lake; Mr. Foster, the attorney of the company at Bridgeport; I believe the entire Connecticut delegation of both Houses; and there was somebody from the company's office—Captain somebody, I think.

Mr. NEFF. Captain Wallace was down here at that time.

The WITNESS. Captain Wallace; he was one of their men, anyway, from Bridgeport—and I think that constituted the entire company.

By Mr. STEVENS:

Q. Mr. Charles F. Berger, of Ansonia, was not there, was he? Do you know him?—A. I don't know him. There may have been one or two other gentlemen there; if so, I was introduced to them at the time, but I have no recollection; I only recollect those that I knew. I don't think there were any others than those I have named.

Q. Was that prior to your call at the Navy Department, call of the delegations to the Navy Department?—A. I was at that luncheon, and at that time was asked to make a statement of our position in our efforts to secure a contract for one boat out of the remainder of the appropriation that had not been provided for under the seven of the Electric Boat Company's contract, and I stated the situation to those gentlemen. I reviewed the legislation very briefly, stated what the Navy Department had thought it to mean; that we had secured a hearing before the Attorney-General, and he had decided it as we contended the real meaning was that our bids for the same character and size and speed and power per boat were considerably lower than those of the Electric Boat Company; that we had offered to meet every possible guaranty that could be required of us by bond or otherwise, to make good on any contract we might receive; that I had insisted in an argument before the Secretary on receiving at least one-half of the appropriation; that the decision had been made to give out seven boats, and that I had a letter from the Secretary offering us a contract to build a boat, providing that we accept it upon the condition that nothing should be paid to the company until the boat was completed and tested, and that the Government would only accept it provided it performed the test and satisfied our guaranty. I said to them that I thought that was under the present circumstances unfair to our company, and that I had been urging the Secretary of the Navy in an argument which was taken down by his stenographer—and I think you have it here—that we should be given this one contract on the same terms as to payment as was provided in the other contract with the other companies, and that that matter was still under consideration by the Secretary, although I thought he was about to decide the point against us, and I suggested that the Connecticut delegation, if they thought this was a fair proposition on our part, to wait upon the Secretary and present the matter to him, and see if he would not be

able to give us this one boat on the same terms and conditions, identical with the terms of the other company's contract. I think they all agreed from my statement that our position seemed fair and reasonable and that they had no objection to waiting upon the Secretary of the Navy, and make that presentation to him. My recollection is some of them were about to go home for the holidays, and so they did not wait upon the Secretary until after they returned. I met them by appointment at the Secretary's office. I am not sure that the whole delegation was there, both Senators were, and a number of the delegation from the House, perhaps all of them, but I think there was one or two that were not. I did not go with them to the Secretary's office, so that I did not know what transpired before him. They came out from that interview and thought that it would be best for us to accept the contract on the terms laid down by the Secretary of the Navy. They did not think there was any chance for us to change those conditions.

Q. That was some time in January?—A. It was after the holidays.

Q. Do you know whether the Connecticut delegation called on the President in connection with this?—A. No; I do not think they did. Some of them as individuals may have gone to the President, but I don't know anything about that.

Q. Do you know anything about it?—A. No.

Q. Did they advise or inform you that they had gone or would go?—A. No; I do not think so.

Q. At neither one of the meetings the substance was suggested?—A. I do not think so. I think my recollection is clear on that point.

Q. Do you recollect whether Mr. Lilley was in the delegation that went to the Navy Department?—A. I think so, and yet that was one of the things that made me hesitate when I said I was not sure about the whole delegation being there.

Q. Was he at the luncheon?—A. Yes, sir.

Q. And manifested the same interest that the others did?—A. I do not think he said anything, but I think they all felt from my statement that we were asking for a very fair and reasonable thing in regard to this one contract. The contract had then been offered to us, and the only remaining question was whether we would receive partial payment as the other company did or whether we would have to wait until our boat was tested.

Q. Now, did that offer originate with the Secretary originally?—A. Yes; in the letter addressed to me. I presume you have that letter.

Q. That was the first that you knew that the Secretary had in consideration the giving of a contract?—A. The Secretary announced, or I will not say he announced, but I took it to be official. It was announced in the newspapers that he had awarded seven boats to the Electric Company and had reserved in that appropriation to give one or two contracts to the Lake Company, provided they would meet his conditions, whatever they were, and I saw the Secretary of the Navy, and afterwards he may have addressed me some written communications, because almost everything I did with the Department was in writing, but anyway I asked him for the contract, and I had some little discussion with him over that question, the terms on which he would give it to us, resulted in his addressing that letter to me offering the one contract on certain terms. Then we hesitated

and delayed a long, long time. Mr. J. C. Lake, and as I was informed, our directors were opposed to accepting the contract on those terms.

Q. Did or not Mr. J. C. Lake have information, or was he not of the opinion that the contract would be awarded to him on the same terms as the others?—A. I do not know. We never had any official assurance of that or anything of which I felt confident that we would get a contract on the same terms.

Q. Now, did not Mr. Lake refer in some communication shortly after the trials were completed in June, concerning the awarding of some contract to your company by the Department?—A. Refer in what way, to me?

Q. Yes.—A. I know he wanted to get a contract.

Q. Did he not inform you, or did you not refer in some of your communications to the Department concerning some information that Mr. J. C. Lake handed you following the trials that the Department would favorably consider a contract with your company?—A. I am trying to think about that. If you could show me my communication I could probably tell.

The CHAIRMAN. That was the matter, if you will allow a suggestion, that you testified about up here in the early part of this hearing to-day. I presume that Mr. Stevens had in mind, in your letter to the Department; when you say, "I am advised by Mr. J. C. Lake." And Mr. Stevens was asking you about the verbal inquiry what Mr. J. C. Lake said.

A. I do not think he said anything to me. No; that was a matter with reference to the Attorney-General.

The CHAIRMAN. Yes.

A. It was not with regard to contract.

The CHAIRMAN. That was in reference to the Attorney-General?

A. Yes.

The CHAIRMAN. What did Mr. Lake say at that time?

A. I think he simply said to me he had seen the Secretary and the Secretary had agreed to refer that question to the Attorney-General.

The CHAIRMAN. Did he say what had led him to come to that determination, his own law officer having told him that the eight boats would all go to the other company?

A. No; I do not think he did, but I took it for granted that I had made a very good argument to the Secretary which would have induced him to believe that that was a matter of sufficient importance to have so referred. I thought I had made a successful plea.

By Mr. OLMSTED:

Q. I just want to ask you one question, Senator, that occurs to me. At the luncheon was there any discussion of the legislation that was had this year?—A. Not a word.

Q. Who was the host on that occasion?—A. Mr. J. C. Lake.

Q. Just one other question, Senator. These papers which Mr. Lilley submitted to us, containing statements—containing questions to be put to witnesses—always begin formally "Mr. Chairman" and conclude "Respectfully" and signs his name. Was that your suggestion or his?—A. That he signed his name?

Q. Yes. —A. No; I do not know anything about that. I did not know that they had been signed.

The CHAIRMAN. All of these questions ending with the reference that you have referred to as identifying your dictation are in the

form of a letter to the chairman of the committee, suggesting the questions he would like to have answered and signed, "Respectfully, George L. Lilley."

A. I supposed he handed them in; I did not know whether he signed them or not.

Mr. NEFF. I thought that would be the proper way. Most of them would be his suggestions, and I always give credit to the man who gave the suggestions for the data; therefore I said: "It is your matter and you had better sign it."

The CHAIRMAN. That is, after the questions were prepared Mr. Lilley assumed the responsibility?

Mr. NEFF. Yes.

The CHAIRMAN. But the matter on which the questions were framed you testified was in your possession.

Mr. NEFF. Yes, sir; out of Commander Seuter's book and the hearings and stuff like that.

Senator THURSTON. I think you will find that none of the questions that I dictated there go into details at all except in a very general way. All those detail questions that I saw are a part. I had nothing to do with those.

The CHAIRMAN. The most interesting set of questions are the technical questions which Mr. Neff acknowledges the paternity of, so I do not think anybody has lost anything.

A. I am not a submarine expert.

Mr. NEFF. I am not either; that is just the data I had.

The CHAIRMAN. I think that is all.

TESTIMONY OF MR. A. M. HAYNES.

Mr. A. M. HAYNES, being first duly sworn, upon being examined, testified as follows:

By the CHAIRMAN:

Q. You are the official clerk and stenographer of this committee?—A. Yes, sir.

Q. Did you just write out two pages upon the two typewriters in Mr. Neff's office in the Colorado Building, room 606. Have you those with you?—A. I have.

Q. One of those is headed "This is written on the Smith Premier," and the other one is headed "This is written cn a typewriter of the L. C. Smith make."—A. Yes, sir.

Q. Those headings indicate the typewriters on which the writing was actually made?—A. Made by the machines mentioned.

Q. I wish you would sign those with the dates and identify them. I wish you would preserve those on the files of the committee for future reference if it is necessary.

The committee will take a recess until 11.30 o'clock to-morrow morning.

Mr. NEFF. Do you wish me any further?

The CHAIRMAN. We can get you any time we want you?

Mr. NEFF. Oh, yes; I will be glad to come here, but I am discharged for the present?

The CHAIRMAN. Yes.

The committee thereupon adjourned until to-morrow, Thursday, morning, April 16, 1908, at 11.30 o'clock.

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 16, 1908.

The committee met at 11.30 o'clock a. m.

All the members of the committee were present except Mr. Broussard.

The CHAIRMAN. Is Mr. J. C. Lake present?

Senator THURSTON. Mr. Lake is present.

The CHAIRMAN. The committee requested Mr. Lilley to be present at the hearing at 11.30. He sent word and also told me personally that as he wished to participate in the debate in the House this morning it would be inconvenient for him to come at 11.30, but he would be here as soon as his matter was disposed of in the House. So that if Mr. Lake is present we will take his testimony.

TESTIMONY OF J. C. LAKE.

J. C. LAKE, being first duly affirmed, on being examined testified as follows:

The CHAIRMAN. Mr. Lake, will you be sworn?

Mr. LAKE. I prefer to affirm.

The CHAIRMAN. Mr. Olmsted, will you examine Mr. Lake in the opening.

Q. Where is your home, Mr. Lake?—A. My legal home is in Rutherford, N. J. That is where I go to vote, I have not been there for about three years, although my household goods are there, but I generally am at Bridgeport, Conn., where my mail addresses me.

Q. Bridgeport is your place of business?—A. Yes, sir; in connection with the Lake Torpedo Boat Company.

Q. What official position, if any, do you sustain to that company?—A. I am vice-president.

Q. How long have you been vice-president, Mr. Lake?—A. Something like two and a half years, I think.

Q. As vice-president what are your duties?—A. Well, generally speaking, to take the place of the president when the president is absent and when he has been over on the other side I have generally had charge of the affairs of the company.

Q. The president is Mr. Simon Lake; he is your son?—A. Yes.

Q. He has been on the other side of the water a good deal of the time since you have been vice-president?—A. Yes, sir.

Q. And he was there during most of the year 1907?—A. He was over there; yes, sir.

Q. Mr. Lake, state whether you have at any time made an affidavit with reference to one Charles Ferry?—A. Yes, sir.

Q. When did you make it?—A. I think that was made about the 16th day of March, this last month.

Q. This year?—A. Yes, sir.

Q. Where was it made?—A. Bridgeport.

Q. Where was it signed?—A. At the same place, Bridgeport.

Q. Who were present when it was made or signed?—A. Mr. Simon Lake, I think, C. T. Wallace, and Mr. Foster, before whom the affidavit was made.

Q. What time of the day was it signed?—A. Well, somewhere about the middle of the day, possibly 11 or 12 o'clock, I think afterwards we went right from there out to lunch, it was somewhere *about the middle* of the day.

Q. Who prepared the affidavit?—A. Mr. Foster.

Q. Were you present when it was prepared?—A, Yes, I was present when it was prepared.

Q. Did he write it out himself?—A. Well, he took it down as I told him, or at least he took it down and it was prepared afterwards, and I think it was written out possibly by a typewriter. I don't know whether he is shorthanded or not.

Q. Did you read it after it was typewritten?—A. Oh, yes.

Q. How long had you been in Bridgeport?—A. I went to Bridgeport sometime Sunday, which would have been the 15th, and this was Monday, I think.

Q. Did you go to Bridgeport especially to make this affidavit?—A. No, sir.

Q. Where did you go from?—A. Well, how far back?

Q. Immediately.—A. I went from New York to Bridgeport on Sunday.

Q. What other business had you in Bridgeport except to make the affidavit?—A. I didn't go there to make the affidavit, I merely went to Bridgeport to see my son before he went away, I was going away on a trip and incidentally that was brought up and it was suggested by somebody that as I was going away it might be well to make that affidavit before I went.

Q. Who suggested that?—A. I don't know.

Q. When did it first occur to you to make an affidavit?—A. At that time when it was suggested there, I had not thought anything about it.

Q. When did you tell Mr. Foster about the matter you say you told him about in the affidavit?—A. At the time.

Q. Who suggested to you, then, to do that?—A. Well, I don't know that there was particularly any suggestion, I think what brought the matter up was that Mr. Adams made an affidavit and then I happened to tell about what Mr. Ferry had said to me, and I could not tell who suggested that I should make the affidavit as I was going away.

Q. You do not know who suggested it?—A. No; I do not.

Q. Was it anybody in Bridgeport that suggested it?—A. Oh, yes. Well, I may have suggested it myself; I don't know.

Q. Who suggested it to you?—A. The fact that there were other affidavits being put in I would suppose suggested it to me.

Q. Did you have any letters outside of Bridgeport suggesting it?—A. No, sir.

Q. I will call your attention to the fact that a gentleman has testified that he suggested it to you, and he did not live in Bridgeport.—A. I have no recollection of anybody suggesting it to me except about that time.

Q. What was your purpose in making the affidavit; what was it made for?—A. Well, what called my attention to it, I suppose, I saw in the paper where Mr. Lilley had said that he had approached him, and then I mentioned this fact that I had a conversation with Mr. Ferry on the same line.

Q. He approached you also?—A. No; he did not approach me.

Q. Did you go to see him?—A. I went to see him.

Q. When was it that you went to see him?—A. It is about the time quoted in my affidavit there; it was possibly some two years ago when I saw him.

Q. You do not mean to say that Mr. Lilley had made the statements two years ago?—A. No; when I saw Mr. Ferry about it, I say.

Q. I thought you said having read in the paper that Mr. Lilley was approached by Mr. Ferry you went then to see Mr. Ferry about it?—A. No; I said I went to see Mr. Ferry some two years ago about it.

Q. Now, what did Mr. Ferry say to you?—A. Well, he said that he had spoken to parties about it.

Q. About what?—A. About having Mr. Hill——

Q. Mr. Ferry had spoken to parties about having Mr. Hill—what about Mr. Hill?—A. Mr. Hill cease his efforts in behalf of the Lake Torpedo Boat Company in Washington.

Q. What else did he say?—A. And I heard that that was the case, and in fact the party that told me about it suggested that I go and see Mr. Ferry; I had never seen him.

Q. Who was the party that told you about it?—A. Mr. Enis.

Q. Who is Mr. Enis?—A. He is the president, I think, of the board of trade of the city of Bridgeport.

Q. Is he interested in your company?—A. No, sir; not to my knowledge.

Q. Why was he taking an interest in the matter?—A. I suppose on account of the interest of stockholders in the Lake Torpedo Boat Company.

Q. Is he a stockholder in it?—A. No; I think not; probably some of his friends are.

Q. Who, for instance?—A. I could not name them.

Q. You do not know whether any of them are or not?—A. No; I do not.

Q. That is just surmising. Has Mr. Enis ever been in the employ of your company?—A. No, sir.

Q. What is this man's name—Ferry or Ferrys?—A. I don't know; I never knew him personally; I think it is Charles Ferrys—Charles Ferry.

Q. Your affidavit says Ferry.—A. Then that probably is correct. I never knew him before and never saw him since.

Q. Where does he live?—A. He lives in Bridgeport.

Q. What else did he say to you?—A. He said he had been requested, or approached by what he termed him, Admiral Bowles, as he was a representative of the brass company and did considerable business with him, and he had spoken to Mr. Enis about it, and wanted to do all that he possibly could to help the Electric Boat Company, because if they got orders, why, their company would get business from Admiral Bowles.

Q. Well, what did Mr. Ferrys say to you then, further?—A. Well, he said that Admiral Bowles was a personal friend of his and he requested that he went to see Mr. Enis about it to see whether he could be of any help to him in the way of getting appropriations for the Electric Boat Company, which would really go to the benefit of his company.

Q. Whether Mr. Enis could?—A. Yes, sir.

Q. What had Mr. Enis to do with getting appropriations?—A. Not in the way of getting appropriations, but in the way of speaking, I suppose—well, to Mr. Hill, he would speak to Mr. Hill about it.

Q. They never did get Mr. Hill to do anything for the Electric Boat Company, did they?—A. That I don't know anything about;

but the fact is that Enis was approached to speak to Mr. Hill about it—at least that is what Enis told me—and then I went to speak to Mr. Ferrys about it.

Q. Who else did you speak to about it?—A. Not to anybody.

Q. Have you told us all that Mr. Ferrys told you?—A. I don't know that I have just told you all that he told me, but that is what he said as far as he was concerned. It was a matter of business with him, and he had spoken to Mr. Enis about it, and anything he could do to get the contracts for the Electric Boat Company they would get the benefit of it.

Q. Admiral Bowles is an officer of what company?—A. Of the Fore River Shipbuilding Company.

Q. Then Mr. Ferrys gave you to understand that Mr. Bowles had suggested to Mr. Ferrys that he should do what he could to prevent a certain Member of Congress from helping your company or opposing the other company?—A. Opposing the other company or helping our company, I presume.

Q. Because if it should result that the Electric Boat Company got the contract Admiral Bowles expected that his Fore River Shipbuilding Company would get some of the work, and then he hoped to give some of it to Mr. Ferrys's company, is that it?—A. That is it.

Q. Now, for what purpose did you make the affidavit?—A. For the purpose of giving the information in regard to the matter, as I say, it was suggested from the fact that developed that Mr. Ferrys had also been to Mr. Lilley, and so I simply recalled that Mr. Ferrys had spoken to me.

Q. You say, for the purpose of giving information; giving information to whom?—A. That affidavit was made for the purpose, I presume, of being submitted to your committee.

Q. You presume? Did you not know for what purpose you made it?—A. Well, the understanding I had, I did not know that it would be used when I went away; I did not know whether it would be or not; I simply left it.

Q. What did you do with the affidavit?—A. I think that it was probably given to my son.

Q. Do you know what he did with it?—A. No; I do not.

Q. Why did you not come before the committee and offer to tell what you knew?—A. Well, I did not know anything about coming before the committee.

Q. You knew there was a committee?—A. I knew there was a committee appointed, but I did not know that we were to come before it at all, and it had not developed at that time who was to come before the committee.

Q. You did not have any idea that anybody would be refused who said they had anything to testify that would help the committee to reach the facts in the case?—A. Oh, no; I did not know anything about that.

Q. Did not make any effort to find out?—A. I left that, as I said, in case it would be called for or they decided to submit it. It was left so that it could be submitted in my absence.

Q. This was a trip you had been contemplating for some time, was it?—A. Well, no; it was not contemplated.

Q. How long had you the trip in contemplation?—A. Well, it was recommended. My wife, of course, has been quite an invalid for

nearly a year, and first when we left here we went to Hot Springs, Va. We were there nearly a month and from there the doctor advised taking a sea voyage, and so we left there about the middle—well, we left there on the 12th of March and I went to New York on the 14th of March and engaged passage on the steamer.

Q. On what steamer did you engage passage?—A. On the steamer *Mormose*, Southern Pacific line.

Q. Engaged that on the 14th?—A. On the 14th, to sail on the 18th. I engaged my passage on the 14th.

Q. Did you say sail on the 18th?—A. To sail on the 18th, yes, sir; and then I went without any special purpose specially over to Bridgeport to see my son before I went away. I did not know but what he might sail before I came back. I went over there generally, without any special purpose, and then this matter was brought up, and to my knowledge I had not mentioned it to anybody else up to that time, although I may have said it before reading about Lilley, I may have said it to somebody in my presence, but I have no recollection of saying it to anybody. I may have done it to some of our people.

Q. Are you positive you had not secured your passage before March 14?—A. I may, and the fact of the matter is I did not secure it until March 14. I did not get there until late in the afternoon on Saturday and the office was closed. I went to the steamer and they referred me up to the office, and I 'phoned up to see whether there was anybody in, and there wasn't anybody in except the keeper, and they told me I should engage ahead if I wanted to go on the steamer, but he said he would register me at the office, where the clerk, when he came in Monday morning, would get my application, but I did not secure and pay for my passage until I came down and made good for my reservation. They got my memorandum that I wanted a certain reservation and I secured it and paid for it on Tuesday.

Q. What day of the month would that be; that would be the 17th if Monday was the 16th?—A. Yes; that would be the 17th.

Q. And you sailed on the 18th?—A. I sailed on the 18th.

Q. Did you leave any word at Bridgeport as to where you would be found with mail and telegrams?—A. I left general instructions first that my address would be the general delivery post-office at New Orleans, as I did not know where I would stop.

Q. Did you receive any mail there?—A. Yes; I received one or two letters that had been forwarded to me, but I did not know how long I would stay, and they did not know how long I would stay.

Q. Who were they from, the letters you received?—A. Well, no one outside of the family, and I do not know. There was no communication relative to business particularly.

Q. No communication from Simon Lake?—A. No, sir.

Q. Clement B. Adams?—A. No.

Q. Who were they from?—A. With the exception I think I had one letter or one paper from Bridgeport, one of the Bridgeport papers, that gave a small account—I don't know just what the account referred to—and that is all I had.

Q. Do you know the date of that paper?—A. No.

Q. What did it say about this investigation?—A. Well, I could not say that.

Q. Was it a paper dated March 24?—A. I do not know.

Q. What paper was it?—A. It was one of the Bridgeport papers—I don't know even which paper it was, but simply a notice about the Lilley investigation, that the committee was meeting, and I think it was really in regard to Lilley's—if I remember rightly—applying for an attorney, or something of that kind; but there was nothing definite, to the best of my knowledge, in regard to that matter.

Q. Something about Lilley's applying for an attorney?—A. Yes; Lilley's applying for an attorney before the committee before the thing was really started.

Q. That application of Mr. Lilley was made about two weeks before you sailed, so that there must be a little mistake about that.—A. Well, I don't know about that; but there was nothing specially interesting to me, or had nothing whatever in regard to my name in any way, shape, or fashion; I did not know that my affidavit had been put in.

Q. Mr. Lilley's application for an attorney was made on the 9th of March; it appeared in the papers not later than the 10th of March. Do you mean to say that they forwarded to you a paper of March 10?—A. Well, then I don't know.

Q. Was there any marked article in the paper?—A. No.

Q. Did you receive any telegrams while you were there?—A. No.

Q. No telegrams at all?—A. No.

Q. Where did you stop in New Orleans?—A. The first night I stopped at the hotel and after that I stopped at a private boarding house.

Q. Where?—A. On practically the corner of Jackson and St. Charles streets.

Q. Kept by whom?—A. I don't know; I may have her card, I don't know; it was kept by a lady; I did not know who she was before [producing card]. Mrs. M. E. Delhommer, 1539 Jackson avenue, New Orleans.

Q. How did you know about her place?—A. I got her advertisement out of the paper and went out to see her.

Q. Did you leave any word at the hotel where you were going?—A. No.

Q. What hotel did you stop at?—A. Stopped the first night at the Dennishore.

Q. You stayed there only one night?—A. That is all.

Q. Have any baggage there, trunks or anything?—A. Had a grip there; didn't take the trunk there.

Q. Took the trunk out to 1539 Jackson avenue? The Dennishore is a pretty good hotel?—A. Yes; Dennishore is all right.

Q. I stopped there and liked it very much. How did you come to leave there on the 24th?—A. Well, for personal reasons.

Q. What were they?—A. Mrs. Lake has been a cripple for nearly a year, as I said a while ago; she has lost practically the use of her right arm, and she does not like stopping at hotels because she had trouble dressing, and one thing and another, and she preferred to go privately where she could dress rather loosely and have more comfort.

Q. Where did you stop at Hot Springs?—A. We stopped at the Hotel Homestead.

Q. Where did you stop in New York?—A. New York, we stopped at the Hotel Belmont a night.

Q. Then you stopped at hotels every place else except New Orleans?—A. Yes; we wanted to stay there a little while and did not want to bother; that is why we left there.

Q. How long did you expect to stay in New Orleans?—A. We did not know.

Q. How long did you secure accommodations with this lady, whatever her name was?—A. Well, by the week.

Q. For how many weeks did you stay?—A. We did not stay quite two weeks. When I took my passage I got a round-trip passage from New York to New Orleans, from New Orleans to Habana, from Habana back to New York, and our time of staying was depending on how she felt. The doctor at Hot Springs advised her, as I say, to take a sea voyage. We were thinking first, and I expected to have gone at the time to Bermuda, and that was a short voyage, and we finally picked out New Orleans, because that gave us a nice sea voyage. We could take that without going too far south. We were thinking about going down to Jamaica, but it was getting rather late in the season, so we did not go. We went to New Orleans and from there to Habana. We were rather expecting to stay about two weeks—I thought possibly we would—but the steamers were quarantined, so we hurried over to Habana before we got caught there, and after we got there neither Mrs. Lake nor I did not seem to feel as well. It was very hot in daytime and cool at night and the extreme did not suit either one of us, so I took the first steamer away that I could get away after I got to Habana and went right back to New York.

Q. Now, for how long a time did you secure accommodations at the boarding house?—A. For no definite time.

Q. Secure it for two weeks?—A. No, sir; only with the understanding that if I stayed over a week I could leave at any time, but I was to pay the regular weekly rates and stay as long as I wanted to stay.

Q. But you took it for two weeks?—A. No, no definite time; but I took it for one week, because our steamer did not go and we could not get away for a week. I expected to have gone away, but we could not get away, I guess, for a week and four days.

Q. Where did you stop in Habana?—A. Stopped at the hotel Ocean View the first night and that was a little out of the town—it is really in the city; Dodd, I think they call it. That was right along the Gulf and the air was so penetrating; in fact it did not suit me as well as it did my wife there, so we went through the same tactics and went to Mr. Foster to get a boarding place where we could have things more comfortable.

Q. Who is Mr. Foster?—A. Mr. Foster is some one that everybody asks Mr. Foster everything you want to know.

Q. In Habana?—A. Habana; and he recommended a place where we went to. It was an American boarding house, where they spoke American, and we went there until the steamer started.

Q. What is the name of that?—A. That was the American House.

Q. Is that Mr. Foster a relative of Mr. Foster, of Bridgeport?—A. Oh, I don't suppose; I don't know. I didn't see Mr. Foster; in fact, Mr. Foster has a place of information just the same as the house on Pennsylvania avenue in Washington; he recommends hotels and places and secures tickets for anybody and everybody. I did not

see the man; there were some lady clerks there that advised us and recommended this house.

Q. When you arrived in New Orleans, at the Hotel Dennishore, did you notify the officers of your company or not—any of your family at Bridgeport or Washington or New Orleans—where you were stopping?—A. No; we did not, because we did not expect to stay there.

Q. When you went to this private boarding house of which you spoke, did you notify the officers of your company, or any of them, or any members of your family in Washington, Bridgeport, or anywhere else, where you were stopping?—A. No; because we expected to sail away from there. In fact, that was the winter schedule that the steamer would sail from there, and we expected, unless we became particularly interested in the city, we expected to sail from there in a week; we would hardly have time.

Q. It takes only thirty-six hours from here to New Orleans.—A. There was nothing said about it so far as that is concerned.

Q. When you got to Habana did you notify any of the officers of your company or agents?—A. I wrote to them when I was going to sail from New Orleans and my address would be at the general post-office in Habana.

Q. To whom did you write that?—A. I wrote to Adams, I think.

Q. Clement Adams?—A. Yes.

Q. When you reached Habana did you wire or cable or write where you were stopping?—A. No, sir.

Q. At the hotel?—A. No, sir.

Q. When you changed from there to the American House did you tell them you were stopping at that hotel?—A. No, sir; I did not; because after I was there a day or two, as I say, the next day I engaged my passage back on the steamer sailing from there on Saturday.

Q. Now, what day did you sail from New Orleans?—A. It was on Saturday, I think, April 4.

Q. You arrived there March 23?—A. Arrived at New Orleans?

Q. Yes.—A. Eighteenth was Wednesday; we arrived at New Orleans on Monday.

Q. The 16th was Monday and the 23d would be the next Monday?—A. That is right.

Q. You were there, then, twelve days and in that time you did not communicate with the officers or agents or your company or the members of your family in the North at all?—A. No; except, as I say, when I decided to leave I wrote that I expected to sail on the 4th to Habana and from there, I would probably sail from there to New York on the 11th, which I did.

Q. Sail for New York on the 11th?—A. Yes, sir.

Q. When did you write them that you were going to sail from Habana for New York on the 11th?—A. I think about the 2d day of April.

Q. You had already discovered then in New Orleans that the air of Habana would not agree with you?—A. Air of Habana? No.

Q. You have stated that you left Habana because the air did not agree with you?—A. I was not in Habana then; I did not write them at all from Habana.

Q. Then when they said that they did not know when you were coming home they must have been mistaken about receiving that

communication from you?—A. Well, no; because I told them that I rather expected to sail, or might sail, on the 4th, or might stay over another week.

Q. When you were going to sail from Habana?—A. That is what I wrote them. I wrote them from New Orleans I was going to Habana, and the steamer sailed on Saturday, and I might sail on the first Saturday or the second Staurday, but I did not tell them when I would sail, because I had not made up my mind.

Q. But you did not, with the exception of that letter which you mailed on the 2d or 3d of April—was it a letter or telegram?—A. It was a letter.

Q. With the exception of that letter; did you say anything in that letter about business?—A. No; not to my knowledge; I think I just merely wrote them that postal I had taken passage or decided to sail from here on the 4th—told them the steamer's name and we might sail from there on Saturday, the 11th, or stay over there until the following Saturday.

Q. To whom did you write that?—A. I think I wrote one to my son and one to Mr. Adams.

Q. Now, on what day did you secure your passage on that boat? What was the boat on which you went from New Orleans to Habana? *Excelsior*, wasn't it?—A. *Excelsior*, that is right.

Q. On what day did you secure your passage?—A. I think I did the same thing there that I did in New York, I went down and saw them about it and they said, the party in the office said, one of the clerks said, "Do you know that there is a quarantine to take place from Habana on the 1st?" and I said, "No."

Q. What day was that?—A. That was probably about the last of March, probably the 28th, 29th of March, somewhere around there; but he advised me to see, I think the man's name was White, who, he said, was a Government representative there that had charge of of the quarantine, and I went to see him, but I didn't see him that day, so I went to see the general passenger agent, and he said, "If you leave New Orleans you can not get back again." I said, "I don't want to." "Where do you want to go to from Habana?" I said, "To New York." He said, "There is no quarantine against New York; the quarantine will only apply to the southern boundary of Maryland." Then I went around the next day and engaged the passage on the *Excelsior*.

Q. Now, as a matter of fact, your passage was engaged on the 25th?—A. Yes; I had my passage so far as that is concerned; I had my ticket so far as that goes, but I had to secure accommodations. He said, "I will enter you," and he entered me for passage. He said, "You will have to go and bring your ticket and you will have to take that affidavit of matters going in there.

Q. That was on the 25th of March?—A. Latter part of March, probably 26th, 27th, or 28th, along there.

Q. As a matter of fact, February 25th, wasn't it?—A. I don't know; I have no means of knowing.

Q. Aren't you pretty certain it was the 25th?—A. No.

Q. Not certain?—A. No more certain than I am it was the 29th.

Q. How long was it after you had moved to the boarding house?—A. Well, that I do not know, but I went down with my ticket to get the passage secured.

Q. But you made sure of your accommodations on the 25th?—A. It was possibly the 26th or 27th. There was a steamer sailed on Tuesday and Saturday, I think. Well, I had expected to sail on Tuesday until I went down and they told me the Tuesday steamer was taken off and there was only one running, and she would not sail until the 4th. Then I engaged accommodations.

Q. When did you find that the first steamer had been taken off?—A. Well, that was some time when I began to look up about going. It was probably the latter part of the week after I went there. I went on the 23d, I went there on Monday the 24th. That could not have been the 25th; it was probably the latter part of the week. I took in the town first before I began to think about leaving. Then, as I said, I went to inquire, and they told me the quarantine would take effect on the 1st.

Q. How did you put in your time in New Orleans?—A. Well, looked around the city, driving around.

Q. Out every day?—A. Yes; I think I was out every day.

Q. What kind of weather did you have?—A. Very fine weather, except the day we went there it rained very hard. We were to get there, I think, about 12 o'clock, and had been delayed. It was past 1 o'clock when we got off the steamer.

Q. Did you read the papers while you were there?—A. I read two or three when I could get them; couldn't always get them. I think possibly the Herald. They were always 3 days old when I got them. I took some New Orleans papers, but I didn't see very much. I think there was one account in there, a short account of submarines. There wasn't anything special.

Q. One short account of the submarine investigation?—A. Yes.

Q. New Orleans paper?—A. Yes.

Q. Only one?—A. I think that is the only one I seen any account.

Q. Or one every day?—A. There was an article every day.

Q. I am asking whether there was one article only or an article every day?—A. There was one article in the paper I saw, a very short article.

Q. Was that in the New York Herald?—A. The New York Herald. I think I saw about two articles in that in regard to it, but I didn't see any paper until the last day I went away. I went up and got one just before I left. That was on Saturday, and I think that was a Tuesday or a Wednesday's paper that I got. It was the only paper I could get at the stand.

Q. You had seen copies of it before that?—A. Yes, sir; I got a few copies.

Q. You think now it was on the 27th that you made sure of your voyage?—A. I have no means of being accurate on that; I could——

Q. I thought maybe from reference to the newspapers you refreshed your memory on it?—A. No.

Q. When did you first see a notice in the newspaper that endeavor had been made to serve a subpœna upon you to appear before this committee?—A. On my arrival in New York on Tuesday afternoon; after I got to the hotel I went out and got a New York paper and I saw the article there that you had been chasing me all over the United States, which was the first intimation of any kind that I had that I was wanted.

Q. The news was carried in all the associated press dispatches all over the country?—A. No; I did not.

Q. When you got those New York papers down there, didn't you read them?—A. I read them. As I say, I saw an article there, but nothing about my being wanted, asked for, or looked for.

Q. Didn't say the officers of the Lake Torpedo Boat Company, whether it mentioned you specifically or not?—A. No.

Q. In fact, that did appear in all the papers on the 24th of March; if you saw the New Orleans papers you must have seen that in them.—A. No; I did not see it.

Q. If you got the New York Herald and read it, you must have seen it.—A. I got the New York Herald probably in a couple weeks. As I say, I saw an article there, but no reference to that.

Q. The New York Herald of March 24 would reach New Orleans about March 27, would it not?—A. Yes; I suppose it would. I have no means of saying. The only thing that I can say is that I never saw any account of the fact of my being wanted before this committee until last Tuesday, after I arrived in New York.

Q. Even then you did not hurry here?—A. No. I did not hurry here, but I had there taken quarters. My wife did not feel equal to go up. That was on Tuesday afternoon, and we stopped over, and we started up the next morning, and yesterday morning Mr. Adams—I had him on the phone, and he said he was coming down here on Tuesday night, so I asked him to stop at the hotel, which he did, before he came down, and he said that they wanted me. Of course I had known it then, because I had seen that in the papers. I told him I would take my wife home, and to report the matter down here where I could be found; that I would go to Bridgeport the next day, and if they wanted me they could find me at Bridgeport.

Q. They found you there; you were subpœnaed?—A. No; he found me at New York.

Q. The Sergeant-at-Arms found you at New York?—A. Yes; he telephoned me yesterday morning from Bridgeport. He had gone to Bridgeport and gone to the house—gone to my daughter's—and she told him that I was stopping in New York, so he called me on the phone, possibly some 9 or 10 o'clock—some time in the morning—and asked me what time I was going to Bridgeport. I told him I expected to take the 1 o'clock train, if possible, and certainly not later than the 3 o'clock train. He said my daughter wanted to know what train I was going up in, so I told him that. But when I came to take the 3 o'clock train he had been at the hotel and left his card. I came in about a quarter of 3 to hurry to the train and the card was in my room. I took the card and went downstairs and had the clerk look him up. He ran around the hotel and brought him in and he served the subpœna on me. I told him I had sent my baggage up and was going up with Mrs. Lake, so he said that he thought it would be a good idea to telephone that it would be inconvenient for me to come down here before 4 o'clock, but he thought that it would be well if I could get here in time to-day. I found I could get down last night, and arrived here this morning, and I sent word up this morning that I would be here at 11 o'clock.

Q. You do not live in Bridgeport?—A. Yes; when I am there. I have been in Washington quite considerable this winter, but I have shipped my belongings—what I had in Washington—to Bridgeport.

Q. When did you ship them?—A. When I went South.

Q. Now, then, Mr. Lake, you desire us to understand that you, as the vice-president of this corporation, in charge of all its affairs, a corporation of considerable magnitude and importance in important affairs, do you want us to understand that you went away on the 18th of March and were gone from then until the 11th of April and had no communication whatever with the office of your company?—A. Well, now, of course, I think I had some when I was——

Q. Had some word?—A. You understand that I had nothing to do——

Q. Nothing what—what had you to do about these communications?—A. I went on a sick leave and went on the advice of the physician to lay things aside.

Q. I would like you to answer my question. Do you want us to understand that you had no communication with your office during that period from the 18th of March to the 11th of April?—A. Yes; I did not in an official capacity.

Q. Did you not while you were at your boarding house have a telegram from the Western Union Telegraph Company lines?—A. A telegram?

Q. Yes; and receipted for it?—A. No, sir.

Q. Did you have one over the Postal Telegraph Company lines?—A. No, sir.

Q. Did you send any telegram over either line?—A. I did not.

Q. Did your wife?—A. Not to my knowledge.

Q. Did your wife receive a telegram?—A. Not to my knowledge.

Q. Did she receive one for you'—A. Not to my knowledge.

Q. You would know, would you not?—A. I would, undoubtedly, because she attended to those things very good.

Q. Well, now, Mr. Lake, the Sergeant-at-Arms, or his assistant, was at Bridgeport to serve subpœnas on other officers of this company and made inquiries for you on the 27th of March. Do you desire us to understand that the officers of your company and the members of your family were so derelict in their duty to you, as well as their duty to this committee, that they never notified you of that fact in any way?—A. Well, I never received any notice, whether they sent it or not; I never received it. They knew not where to send it, except to send it to the general delivery. That is the only way they could have done.

Q. Now, Mr. Lake, what portion of the year 1907 did you spend in Washington; you were here nearly all the time?—A. I think I came here and took apartments at the Marlborough on the 15th of December, and was there practically all the time.

Senator THURSTON. That would be 1906?

A. That would be 1897, in December, I think we took an apartment at the Marlborough.

Q. On December 15th, what year?—A. 1897.

Q. Twelve years ago?—A. 1907.

Q. You mean 1906?—A. No. I am talking about December, 1907.

Q. Were you not here all that year, practically all last year?—A. Well, I was at the office, back and forth, I was at Atlantic. My wife was, I think, nearly two months at the Washington Sanitarium. I was not at the office very much, but I was in communication with the Washington office.

Q. In charge of the Washington office?—A. In charge of the Washington office.

Q. You were in here nearly every day?—A. No; I came occasionally; but then we got apartments, I think on the 15th of December, at the Marlborough; of course I was here pretty constantly at that time.

Q. Where were you when the Newport tests were made?—A. I was at Newport at that time.

Q. Then you came back to Washington, did you not?—A. I came back to Washington, I think, at that time. Then I was stopping at the Cochran. I think I was stopping at the Cochran until along in the spring, and then, as I say, we went to Atlantic, and I was out here for about two months and then we came and took apartments.

Q. Now, you were present at those tests at Newport?—A. Yes.

Q. Will you state what you did after that to secure a contract for your company for a submarine torpedo boat or boats?—A. Did we?

Q. State what action you took.—A. Well, we really took no action except to wait for the action of the Navy Department and wait for their decision.

Q. When did you first hear of the report of the navy board on the tests?—A. Well, I don't know that I can tell that, except by rumor. I heard it before it really was a report, but I saw the Secretary of the Navy in regard to that on about a week before the report was generally known or the decision, rather, was known.

Q. You saw the Secretary of the Navy?—A. I saw the Secretary of the Navy.

Q. Prior to that time, however, you had heard what the report was to be?—A. No.

Q. You heard a rumor?—A. Yes, sir.

Q. How did you hear that; where did you hear it?—A. I think I got the first information when it was to come out. I got it from the Secretary.

Q. Secretary of the Navy?—A. Yes, sir. Senator Thurston went up there to see him about it, when the decision was to be made or likely to be reached.

Q. You do not call that a rumor?—A. No; he told us he had not taken up the matter yet, but he was going West on a tour, or something, and he was going then up to New Haven or somewhere, I think, for a few days or down East, but he expected to come back and wanted to go West on a Saturday, and he had hoped to have the thing settled and disposed of before he went away.

Q. What thing settled?—A. This decision in regard to submarine boats.

Q. Decision by whom?—A. By him.

Q. Had the navy board reported on the tests?—A. No, I think not. I do not know that they had.

Q. Are you thinking now of the report made by the naval board showing the result of the Newport tests, or are you thinking of the decision of the Secretary of the Navy, based on the opinion of the attorney, whether he could give the contract to that company; which are you speaking of?—A. I am speaking of the original award—first award before there ever was any contract mentioned or thought of, I suppose.

Q. You have said you heard a rumor what the report of the naval board was to be. I would like to follow up that rumor; where did you hear it?—A. Well, as I say, we saw the Secretary about on Monday.

Q. You did not get the rumor from him. Where did you get the rumor?—A. I got this information that the decision had been reached from Mr. Berger, of the Berger Boat Company.

Q. What is his full name?—A. I do not know.

Q. Where does he live?—A. I think he lives in New York; he was there at the time; he was the inventor of the Berger boat.

Q. Subsurface boat?—A. Subsurface boat.

Q. Where did you see him?—A. He was at our office in Washington.

Q. What relations have you with Mr. Berger?—A. Not any, only so far as I met him up there at the course of the trial and became acquainted with him, and I asked him what they were going to do and whether he thought they were going to get a contract or not, and he said that he did not hardly think they would; that they were outclassed—that is, they did not class exactly as a submarine boat—that they had been classed, I believe, as a subsurface boat, and seemed to be left out some way, although the law did mention subsurface boats, but it was a submarine test, and so he said he hardly thought they would get it.

Q. He promised whatever he heard of interest to your company he would come and tell you?—A. No; no promise made. I asked him what he was likely to get, and he told he probably thought they would not get anything of this.

Q. How did he happen to come to your office and tell you about it?—A. I called him up on the phone and asked him how the thing was getting along and whether he thought a decision was made or whether he had heard anything or not; just simply to compare notes.

Q. Then he came to your office?—A. He came to my office.

Q. What did he tell you over the telephone before he came up?—A. He simply said he would come over.

Q. Where did he tell you he got his information?—A. Well, he told me he had spent the night before with Mr. Frost and his friends, and that is where he got the information.

Q. Where did he spend the night with them?—A. Oh, he did not say.

Q. You went to see the Secretary of the Navy?—A. I had seen the Secretary of the Navy the first week, and he told us that he would take the matter up when he returned from his trip, saying it would be Friday. The time that Mr. Berger was in my room was about Thursday of that week, or Wednesday, and he told me that the decision was made to award all the contracts to the Electric Boat Company.

Q. Who made that decision?—A. I made this remark: I said, "Mr. Berger, Senator Thurston and I saw the Secretary before he went away, and he told us the decision was not—he had not considered the matter; he expected to dispose of the matter when he returned before going West, which would be Friday."

Q. That was all some time after the Naval Board had reported that the other boat had won in the contest, was it not?—A. That I don't

know, when that report was made, as far as that is concerned. We did not hear it until we went and asked him for it.

Q. I mean the report by the Marix board, whatever you call it, to the Secretary of the Navy, stating the conclusions upon that test. They did not order a contract to anybody?—A. No.

Q. The Marix board did not award a contract to anybody?—A. No.

Q. They simply reported the performance of each boat. They did not award a contract to anybody, did they?—A. No; I suppose not.

Q. When you say Mr. Berger told you the contract for the boats had been awarded to the Electric Boat Company you are talking about something else?—A. No; he said the award would be awarded; he told me.

Q. To the Electric Boat Company for all the 8 boats?—A. For all the 8 boats.

Q. Then what did you do?—A. I told him I did not know anything about it.

Q. What did you do then?—A. I did not do anything until the Secretary came home.

Q. What did you do then?—A. I went up to see the Secretary on Friday.

Q. Who went with you?—A. Not anybody.

Q. You went alone?—A. Senator Thurston was sick at the time when I went up to see him alone on Friday by appointment.

Q. What day of the month?—A. That was the time, it must have been in June, I think; the day before he went West on his vacation.

Q. How did you make the appointment?—A. By telephone, I think, with the clerk. I tried to get him all day on Friday, and I finally got an appointment by the Secretary at half past 5 o'clock.

Q. In the morning?—A. In the evening.

Q. You made it direct with the Secretary, then, or through his clerk?—A. The appointment was made from the Department and, I presume, through the clerk.

Q. You did it yourself; you did the telephoning?—A. Yes, sir; I think so.

Q. With the Navy Department?—A. With the Navy Department for the appointment with the Secretary.

Q. When you met the Secretary, tell us what occurred then.—A. I went to see the Secretary, as I said. I was alone.

Q. Yes; you told us that.—A. He said, "Mr. Lake, I am very sorry to be compelled to say that I have to award the whole contract to the Electric Boat Company under the wording of the act and the decision of the board, and so forth." He also said that he was very sorry, because he had hoped to get competition, to get another boat in, and hoped he could award a contract, but under the wording of the law as interpreted——

Q. You had just had the competition?—A. He had no competition; he wanted competition in the Navy, and he wanted to get a competing boat in the Navy, and he hoped very much that he could award us a contract.

Q. Notwithstanding his hopes and wishes, he felt he could not do it?—A. He said he could not. He felt he could not do it, and then, of course, I asked him why, and he told it, and then we talked about the double meaning of the wording of the act. It appeared to have

two meanings or susceptible of two interpretations, and we thought he had a right to use a discretion under that act. "Well," he said, "as I said before," he said he would like to, but he did not feel that he could under that, and we talked with him about it.

Q. He would like to give a part of the contract to the boat that had lost, but he did not feel that he could under the act?—A. He said he would have liked very much to have gotten a Lake boat, but under the decision he did not feel that he could do it. I told him about the decision, and he made this remark. He first asked whether I had any objections to make to the report of the board or any protest. I said, "No, not any;" but I told him that we did want to know whether the law was defective, or whether the interpretation of the law was defective, if the law compelled him to do it, and if it did not give him what he would have liked to have had and a good many others would have liked to have had——

Q. What do you mean by a good many others would like to have?—A. A great many others expressed that they would like to have another boat in the Department.

Q. Who?—A. Navy Department, and a good many others, as far as that is concerned, would like to have had. I could not name any particular others.

Q. What others went to see the Secretary, then, of the Navy Department?—A. Not anybody. Then he made the remark, "Mr. Lake," he said, "if you think that that law is susceptible of any other interpretation, I feel disposed to give you the advantage of it, and I have no objection to referring the matter to the Attorney-General for his decision in regard to this question in the law." I told him we appreciated it very much if he would do that, and he consented to do it.

Q. Was that his suggestion, or yours?—A. It was his suggestion, that if we thought the law was not being interpreted right, or we had other rights under the law, he said he would refer the matter to the Attorney-General. That was his suggestion, and I told him we would appreciate it very much, which we did.

Q. Did he say whether or not he had referred it to the law officer of the Navy Department?—A. He said so far as he was concerned he was bound to go by the decision that had been made.

Q. What decision do you mean, by the naval board?—A. Naval board, I presume, or his own decision based on the decision of the naval board.

Q. Did he say whether he had an opinion on the construction of the law, an opinion by the law officer of the Naval Department?—A. I do not know that he did at that time. I do not recollect that he did.

Q. Do you say that you, up to that time, were the only person that had seen him with reference to referring the matter to the Attorney-General?—A. Yes, sir.

Q. Or written him?—A. Or written him.

Q. Had you talked with anyone else upon the subject?—A. No; the idea was simply suggested to him. That was on Friday afternoon, about 6 o'clock, I presume. He said he wanted to make a decision on it before he went away, and he said, "I take the train to-morrow afternoon at 4 o'clock," so I told him I would like to consult before we made a special application for that, consult with some of the

others or consult with the attorney. That is what I told him. He was home sick in bed, and I tried to make an appointment with him for Saturday, so I went and saw Senator Thurston, who was sick abed, and he said—he advised that we make application for him to refer it, which we did. We made application for it, and I saw him on the Saturday before he left and made application, and he says, "Mr. Lake, I am going away, but I will refer the matter to the Attorney-General," and that is all I know.

Q. You had talked with nobody about the construction of the law before you saw the Secretary of the Navy?—A. Oh, yes; I talked with lots of people about the construction of the law.

Q. With whom had you talked?—A. Most everybody that I talked with about the subject.

Q. With whom did you talk about the subject?—A. I don't know.

Q. Who were the ones you mentioned; who were the "everybody" with whom you talked?—A. Well, I think I talked with Mr. Thurston about it. I think I talked with people in the office about it.

Q. People in what office?—A. In our office—Mr. Neff.

Q. Who else?—A. And that two interpretations could be placed upon it, whether the Secretary had the discretionary power or whether he was bound by the other——

Q. I know; but with whom did you discuss that point?—A. I don't know as I could name any particular individuals now or any particulars.

Q. Name a few of the individuals.—A. I could in particular name Mr. Neff and probably Adams.

Q. Outside of your company, with whom did you talk?—A. I do not know that I did especially with anybody.

Q. Well, generally. You did talk with somebody in Connecticut, some Connecticut people, didn't you?—A. Oh, yes; yes.

Q. Who were they?—A. Well, I think I talked with—let us see—I talked with our directors about it.

Q. Who were the directors?—A. The directors were—the Bridgeport director is Captain Wallace, and I do not know that I have seen anybody in Bridgeport about that at that time.

Q. What other Connecticut persons did you talk with?

(Witness hesitates.)

Q. There is no secrecy or privacy about it, is there?—A. No; I think I talked generally, among almost anybody. I don't know particularly, but I talked with most everybody that I talked with about the law, as far as that is concerned.

Q. Who talked about the law?—A. I say wherever I talked about it with anybody, I talked about it.

Q. Who was it that you talked with?—A. Anybody on the train, wherever I happend to be connected——

Q. You would not pick up a stranger and talk with him about it?—A. No; not a stranger, but I might pick up somebody that I knew.

Q. Do you know Mr. Brooker?—A. Brooker?

Q. Yes. Don't be surprised—everybody in Connecticut knows him.—A. Well, I don't know any Mr. Brooker.

Q. Do you know either of the Connecticut Senators?—A. Yes.

Q. Did you talk with them about it?—A. No; not at this time I have not.

Q. Not at that time?—A. I had not seen one of them.

Q. When did you talk with one of them?—A. After the decision was—after the matter had been referred to the Attorney-General, then I talked with some of them, but not discussing the point of law in regard to it.

Q. Up to that time you had not discussed it with either of the Senators?—A. No; I do not know that I ever did discuss the point of law with any of the Senators, either.

Q. What had you discussed with them up to that time?—A. I did not see them, because it was vacation. I did not see any of them at that time until after the——

Q. Did you communicate with anyone?—A. Yes.

Q. With whom?—A. I think I tried—when the matter was referred to the Attorney-General——

Q. No; before that?—A. No; I did not before that.

Q. Whom did you communicate with in regard to getting the Secretary of the Navy to refer it to the Attorney-General?—A. Not anybody, except Senator Thurston.

Q. Nobody at all?—A. No, sir.

Q. That you say positively?—A. Yes; because that was done over at night; as I say, I saw the office force, Mr. Neff——

Q. Who else in Washington did you see upon that point beside the Secretary of the Navy?—A. In regard to referring it to the Attorney-General?

Q. Yes.—A. I don't remember seeing anybody about it.

Q. Did you see anybody in any other Department?—A. No.

Q. Or any other branch of the Government?—A. I never was in the Department—I never went to see personally anybody in the Department.

Q. You never went to see any Government official except the Secretary of the Navy?—A. No, sir.

Q. On that or any other subject?—A. When we went to the Secretary and he asked us about whether we had seen the report of the Naval board, I told him I had not seen it. He asked the Senator if he had seen it, and he said no. We neither had seen it——

Q. You mean Senator Thurston?—A. Senator Thurston. Well the Secretary says, "You are entitled to see it, or anything, if you want to see it," and we both requested to see it.

Q. That was in the Navy Department?—A. That was in the Navy Department, and we——

Q. I am asking you about any other Department.—A. Any other Department—no.

Q. You never had been in any other Government office?—A. No—well, I couldn't say, but not on that business, or in fact upon any particular business. I have no acquaintance really in the Navy Department.

Q. Where was Mr. Simon Lake at that time?—A. Simon Lake was in Europe.

Q. And the whole matter was in your charge?—A. Yes, sir; until he returned.

Q. Did not you discuss that matter with any of the members of the Connecticut delegation?—A. Not at that time; no, sir.

Q. Then the getting of that matter referred to the Attorney-General was done by yourself alone?—A. At the suggestion of the Secretary of the Navy.

Q. And no one else had part in it, so far as you know?—A. No, sir.

Q. After it was referred to the Attorney-General, what followed then?—A. Then Senator Thurston put in his brief to the Attorney-General and made the arguments.

Q. What else happened? Did you see any other parties, then?—A. I might have seen some other parties. I seen our people about that then, and——

Q. Who do you mean by "our people?"—A. I talked with the directors, but I took the responsibility of referring it, with Senator Thurston—I took it on his advice to ask for a reference to the Attorney-General.

Q. You did not assume very much responsibility in that?—A. Well, I did it. But I did not consult anybody about it.

Q. You had everything to gain and nothing to lose in that?—A. No, sir.

Q. After it was referred to the Attorney-General, what steps did you take to secure a favorable opinion from him in addition to the brief which Senator Thurston filed?—A. Not any.

Q. Didn't you speak to anybody about it?—A. I never saw the Attorney-General, and I never—no.

Q. Whom did you tell that the question was pending before the Attorney-General?—A. Oh, well; I don't know. I probably told a dozen people of it after it was pending.

Q. Who were they?—A. I don't know.

Q. Was it at that point that you talked with the Senators?—A. At what point?

Q. Right there, while the matter was pending with the Attorney-General?—A. Of course I talked with the Senator——

Q. No; the Connecticut Senators?—A. No, no.

Q. You had no communication with them up to that time?—A. Well, after it was referred to the Attorney-General; yes; I tried or asked them then to—well, I think I asked them indirectly, I did not especially, asking them to use their offices or their influence, and write to the Secretary——

Q. To get a favorable ruling?—A. Not to the Attorney-General. I never asked anybody to go to the Attorney-General except the Secretary.

Q. You asked nobody to use their influence with the Attorney-General?—A. No.

Q. What did you ask the Senators to do?—A. I asked them to write not to the Attorney-General but to the Secretary, and asked their consideration after the Attorney-General's opinion was rendered.

Q. Did you make that request of the Senators before the Attorney-General's opinion was rendered?—A. No, sir. We rested while it was in the Attorney-General's hands.

Q. Did you in the meantime ask them that, in the event of the Attorney-General's decision——A. No, sir.

Q. Who else did you ask them to see besides the Secretary of the Navy?—A. Not anybody.

Q. No mention made of any Government officers?—A. No, sir.

Q. High or low?—A. No, sir.

Q. Were your requests to the Senators in writing?—A. No, sir; I guess not.

Q. Where did you see them?—A. We saw them——

Q. Who are "we?"—A. Well, I saw them at that time, after the decision was rendered——

Q. By the Attorney-General?—A. No, sir; after the Secretary had rendered the award. We did not do anything until after the award was——

Q. What award do you mean?—A. When the award was given to the Electric Boat Company, 7 boats, and the five hundred and odd thousand dollars——

Q. Was it originally given for 8 boats?—A. While the award was not given, but the award was recited to be given, and when the Secretary held the matter up and referred it to the Attorney-General.

Q. After the Attorney-General decided, you did not want the boats all given to the Electric Boat Company?—A. We rested, because we did not know what the decision would be.

Q. But after the decision, I am talking about.—A. After the award was made to the Electric Boat Company for 7 boats and seven hundred thousand and odd dollars, or whatever it was, was held in reserve for us, then we asked our Representatives in the State of Connecticut, the whole of them, to go and see the Secretary about it to see that we had—that he would give us an opportunity to appear and hear our side of the case.

Q. In what way did you make the request of the Connecticut delegation?—A. Well, simply generally; that is all.

Q. To the newspapers?—A. No; oh, no; personally.

Q. In person?—A. Yes, sir.

Q. Where did you see them?—A. We saw them and got them together here at the hotel for that purpose.

Q. How did you get them together?—A. Invited them to come down at the Hotel Willard.

Q. How did you invite them?—A. Why, by asking them to come down.

Q. Did you engrave the invitations, or personally, or verbally?—A. Just went around and seen them, I guess.

Q. Did you see them personally yourself?—A. No; I did not.

Q. Who did?—A. Well, I think that I made that request of Neff or Captain Wallace to see some of the people and get them together, and it was suggested that we get them together and talk the matter over and see if there was anything that could be done in the way of getting a hearing before the Secretary.

Q. You think Captain Wallace did that?—A. I think he saw some of them; yes, sir.

Q. Did you see any of them?—A. I did not see any of them to ask them to come together; no.

Q. In whose name were the invitations given out?—A. I do not know as it was in anybody's name, but I get that—I had them come together, that is, at the suggestion of people that I went and seen, one at a time, and they said we had better get them together, and I, then, and at whose suggestion it was I don't know, but at least they were called together, and I found they were down here, and this here would be the best place to do it.

Q. Congress was in session?—A. I don't know.

Q. When was that?—A. I think it was just before—I think it was during the recess of Congress for—it seems to me, I am not sure of that—the Christmas holidays.

Q. Then they would not be here in Washington. Did you get them purposely to come here from Connecticut?—A. Well, it was was before they left, I guess. It must have been just before they left; that is right.

Q. What time was it?—A. I could not say.

Q. What month was it?—A. It must have been in the month of December.

Q. Mr. Lake, you remember very distinctly the things Mr. Ferry said to you and you said to him two years ago. Can not you tell when this meeting occurred?—A. I could not tell the date of it.

Q. In last December?—A. I could not give the date of it. I think it must have been, it was a little before the adjournment for Christmas.

Q. Did they all come together?—A. No; I think they was all there except Mr. Lilley; the Connecticut delegation, except Mr. Lilley.

Q. What?—A. All there of the Connecticut delegation, except Mr. Lilley.

Q. Don't you think he was there?—A. No; I know he was not.

Q. It has been testified that he was there.—A. Well, I did not see him.

Q. Didn't you ask him to come?—A. I think he was asked to come, the same as the others. They were all asked to come as a delegation from the State of Connecticut, but Mr. Lilley was not there.

Q. Why didn't he come?—A. I don't know anything about that. I never spoke to Mr. Lilley about it or spoke to anybody else about it. I don't know why he did not come.

Q. If you did not speak to him about it, probably you did not invite him?—A. I did not personally, but I have no doubt but what he was invited. Whether he got word or not I could not say.

Q. What occurred at that meeting?—A. In a manner we talked over the situation generally, and we simply said that we wanted to have them help the Connecticut—as our company was a Connecticut enterprise, we wanted them to see that our interests were looked after.

Q. Where is your company incorporated?—A. Our company is incorporated under the laws of the State of New Jersey.

Q. Where does it make its boats?—A. It made the first boat, and the only boat we have made by ourselves, at Bridgeport.

Q. Haven't you made some boats or some contracts, and do not your bids provide for making boats at Bath, Me.?—A. They do now.

Q. Then in what way are you a Bridgeport or Connecticut institution?—A. Simply because we are Bridgeport men, the stockholders are Bridgeport men, and our main office is in Bridgeport and has always been in Bridgeport. Two-thirds, or possibly more, of our stock is held by Bridgeport people, by Connecticut people, therefore it is a Connecticut concern. We buy a great deal of our material in Bridgeport.

Q. Does your company take a considerable interest in politics in Connecticut?—A. No, no; not that I know of.

Q. No interest at all?—A. Except individually. In fact I do not know that. I do not know, really, all of our stockholders.

Q. Is it generally known in Connecticut who are the stockholders in your company?—A. I do not know that it is.

Q. I was wondering how you would have sufficient influence to call together so important a body of business men as you did get together at that Connecticut interview.—A. We have distributed many hundreds or thousands of dollars in Bridgeport. We built our boat there.

Q. You built a boat there?—A. We built a boat there that we built in this country.

Q. How long ago was that?—A. Three years ago.

Q. What boat was that?—A. The *Protector* was built there. And we bought all of our material—in fact, all we can buy in that State, and always have—and are now shipping it over to the other side. We buy a great deal of material now that is shipped over to the other side to put in foreign boats.

Q. You are buying a great deal of that in Bridgeport?—A. In Bridgeport and all over the country.

Q. How much of it did you buy in Bridgeport?—A. I could not give any figures.

Q. Who do you buy from in Bridgeport?—A. Well, we buy from the Pacific Iron Works and the——

Q. You don't remember anybody in Bridgeport, then?—A. We bought all of our small—a great deal of our small stuff we have made in Bridgeport.

Q. And you buy a good deal more in Bath than you buy in Bridgeport?—A. No, sir.

Q. What?—A. We do not. I think we buy our propellers in Bath.

Q. You buy more dollars' worth in Bath than you do in Bridgeport?—A. No; we never have.

Q. You buy more in other States than you buy in Connecticut?—A. No; we buy more in Connecticut than we do in any other State; in fact, the main part——

Q. You did get the Connecticut delegation together at the New Willard Hotel?—A. Yes, sir.

Q. You had influence enough to do that; in some way you had influence enough to get them together; that is right, is it?—A. Yes, sir.

Q. Then you talked the matter over?—A. Yes, sir.

Q. What did you ask them to do?—A. We simply requested that they go to the Secretary of the Navy.

Q. And do what?—A. And tell him that they or their knowledge of our boats, that our boat was—that they knew that we could build a boat and knew that it was all good, and all that kind of business, and to simply speak a good word for the Lake Company in his consideration.

Q. Who did they know that was connected with the boat?—A. I do not know. I suppose they know most of our stockholders; in fact, they knew the stockholders there—well, I don't know.

Q. They knew you and Simon Lake, that is about all?—A. Oh, no; they knew others better than they did us.

Q. Who were the others?—A. I could not give the specific names.

Q. You do not remember the names of those prominent Connecticut people that everybody knew were stockholders?—A. Well, I

would say Captain Wallace knows; that Captain Wallace is one, but I don't know——

Q. You do not know the others?—A. No; not to call off their names.

Q. But the Connecticut delegation probably knew more about the list of stockholders than you did; is that what you wish us to understand?—A. I do not know about that. We have in the neighborhood of one hundred stockholders in the State of Connecticut.

Q. Who are the ten principal ones?—A. I know——

Q. Did you write to any of these stockholders to bring their influence to bear on the Connecticut delegation?—A. No.

Q. Did you telephone any of them?—A. Not one.

Q. Did you telegraph any of them?—A. No.

Q. Or see any of them?—A. No.

Q. Or send messages to any one of them?—A. No; only Mr. Wallace. I had not anything to do with that.

Q. Did you tell Captain Wallace to see the others?—A. Yes; I asked Captain Wallace to see if we could get them together.

Q. To see these other stockholders?—A. No.

Q. To get the stockholders together?—A. No; I don't know who he has seen, or what stockholder he has seen.

Q. Did you tell him or get word to him to see the other stockholders or any of them? You know whether you did or not? Let us have it.—A. Well, I presume—no; I don't know whether I told him to see the other stockholders or not.

Q. Did you suggest to him to see them?—A. I suggested to him it would be a good idea to get them——

Q. To get the other stockholders interested?—A. To get the other delegation together.

Q. Did you suggest to him that he should get the other stockholders to help get the other delegation together?—A. No.

Q. Then the stockholders don't cut any figure?—A. I don't think they did. I don't know whether he seen any of them or not.

Q. Then you took that matter up at this meeting, and you asked them to go to the Secretary of the Navy, did you?—A. I think that was suggested; I don't know whether they were specially asked to go.

Q. It was suggested?—A. Yes, sir.

Q. Did they go?—A. Yes, sir.

Q. All of them?—A. No; I don't know; I guess they did not all go.

Q. Did not Mr. Lilley go?—A. Not to my knowledge.

Q. When did he go?—A. He did not go with the delegation that went. When the delegation went—oh, I think there were three or four of the delegation that went.

Q. When did Mr. Lilley go?—A. I don't know anything about it.

Q. You know he did go?—A. I understood he did go: but I haven't it from him. I heard that he did.

Q. From whom did you hear it: Mr. Neff, didn't you?—A. I think Mr. Neff told me that he had been there. I don't know of my own knowledge.

Q. You don't know Mr. Lilley yourself, do you?—A. I know Mr. Lilley; yes, sir.

Q. And what followed?—A. Well, they went into negotiations, and my son took the matter up, and I telephoned when I thought there was a likelihood of there being a contract. I am not a technical man

at all, and I know nothing about the mechanical side of the matter, so I cabled for my son to come over, and he came over and took charge of the matter, and I have had nothing more to do with it, and have never had anything to do nor consulted it——

Q. When did your son arrive here?—A. Let me see; some time the latter part of February.

Q. This year?—A. Yes, sir.

Q. In the meantime you had asked Mr. Lilley to telegraph and write to the Secretary of the Navy, hadn't you, while he was in California?—A. Mr. Lilley was asked to after the decision of the Attorney-General had been rendered, and Mr. Lilley was asked by Mr. Neff—I didn't see Mr. Lilley—in fact I have not seen Mr. Lilley since this matter has been up to say anything about it either one way or the other.

Q. I haven't asked you that.—A. Oh, then I want to correct myself. I remember now that Mr. Lilley did go with the rest to see the Secretary, but he was not at our meeting. I want to correct myself. I remember Mr. Lilley was with the rest to see the Secretary.

Q. He was not at the luncheon?—A. He was not at the luncheon, but he was with the others——

Q. He went with the others to the Secretary of the Navy in behalf of your company?—A. Yes, sir.

Q. He also telegraphed and wrote to the Secretary of the Navy in behalf of your company, didn't he?—A. Yes; I believe he did.

Q. That was at the request of Mr. Neff?—A. That was at the request of Mr. Neff.

Q. Mr. Neff requested him at your suggestion?—A. Well, I had—of course Mr. Neff did it in our behalf and in our employ, of course.

Q. And after talking with you about it?—A. Yes, sir.

Q. Did you give him any letter to Mr. Lilley when Mr. Neff went to see Mr. Lilley at Waterbury?—A. I don't remember that I did.

Q. You assume that Mr. Neff knew Mr. Lilley?—A. I think he did know him, because Mr. Neff knew all of the Congressmen.

A recess was here taken until 2.30 p. m.

The committee met pursuant to the taking of recess at 2.30 p. m.

All members were present except Mr. Broussard.

TESTIMONY OF J. C. LAKE—Resumed.

J. C. LAKE, being recalled, on being examined, testified as follows:

By Mr. OLMSTED:

Q. Then, after that telegram and those letters were sent by Mr. Lilley to the Secretary of the Navy, who was then in the West, Mr. Lilley came to Washington and saw the Secretary on his return, did he not?—A. At the time the other Congressman did.

Q. Didn't he come once in the meantime to see them?—A. That I have no personal knowledge of.

Q. You do not know?—A. That is what I had reference to when I said that he might have been to see him.

Q. About what was the date when the delegation went to see the Secretary?—A. It must have been early after the reconvening of Congress after the recess.

Q. Probably in January, 1908?—A. Yes, sir.

Q. When was the contract granted?—A. I could not give the date, but it was some part early in February, 1908.

Q. How did you first learn that it had been awarded your company?—A. Well, I don't know whether—we received notice of it or received a contract—why, I think Mr. Simon Lake told me when they signed the contract. I think he told me when he came back after the contracts were signed. I was not there at the time.

Q. Did you have anything further to do with the details of the contract?—A. No, sir; I had nothing to do with the details.

Q. What effort did you make, if any, to secure legislation this year favorable to submarines?—A. I have had nothing to do with any legislation this year.

Q. Did you talk with Representative Kahn, of California?—A. No, sir; I have not seen Representative Kahn, of California, since—never but once, I believe, and that was when the former Congress was pending, when he first put his bill in.

Q. That was in the last session?—A. Either last session or the session before that, I don't know which.

Q. Have you had any talk with any Members of the present Congress with reference to legislation relating to submarines?—A. No, sir.

Q. Have not talked with any Member of Congress?—A. Not about submarines?

Q. What have you talked with them about?—A. I do not recollect of speaking to a Congressman, in that way, except the time that they went to see the Secretary. I was there, but I did not go in with them, but I walked up with them.

Q. Have you written to any Congressmen with reference to legislation?—A. I have not.

Q. Have you, or has the Lake Torpedo Boat Company, so far as you know, taken any part in securing the election of any member of the Naval Committee of the Sixtieth Congress?—A. No, sir.

Q. Did it take part in attempting to defeat any candidate for Congress?—A. No, sir.

Q. Did you know of any attempt of that kind having been made by anybody—A. No, sir.

Q. Either to elect a man who is now a member of the Naval Committee or to defeat any such member?—A. I do not.

Q. Do you know of any effort having been made or attempt to defeat the renomination of any prseent member of the Naval Commission or Committee of the House of Representatives?—A. No, sir.

Q. How long have you known Representative Lilley, of Connecticut?—A. Well, I suppose about a year,

Q. Where did you meet him?—A. I think I first met him in Washington.

Q. When?—A. About a year ago, when this legislation was on. I called to see him one morning about it, and he was just coming out, and I walked down the street with him to the Capitol. He said he was coming down to the Capitol, and I talked with him, in a general way about that legislation—whether we would have a chance to bid or whether the legislation would be apt to be restricted, and prohibitory from our compliance as it has been.

Q. That was in 1907?—A. 1906.

Q. Who introduced you to him?—A. I don't think anybody did.

Q. Did you just walk up, a perfect stranger, and address him?—A. I may have met him before that. I stopped at the Cochran, and I may have met him before, but I do not remember.

Q. Was he living at the Cochran?—A. No; he was living at the Willard; but I had seen him around the Cochran,

Q. Did he not live at the Cochran when he first came here?—A. Not to my knowledge.

Q. But you saw him around the Cochran?—A. I have seen him around the Cochran,

Q. How did you know it was Representative Lilley?—A. Well, when I went to see him, I supposed that—general knowledge.

Q. You supposed what?—A. I supposed I had seen him before.

Q. The first time you went to see him you supposed you had seen him before?—A. I say when I went to see him on this particular occasion I had seen him at the Cochran.

Q. Where did you go to see him?—A. At the Willard.

Q. That was in 1906?—A. I think that was probably 1906.

Q. You had met him before that?—A. No; I may have met him before, but I called at his room, and I met him, as I say. We walked down the street, and I asked him what the probability was of the submarine legislation, whether there would be any or not, and he said he did not know.

Q. Did you wait until after you got on the street before you asked that question?—A. Yes, I think that was in the lobby; he was just coming out, in fact I am inclined to think that they called up to the room, and said he would be down, and I came out, and he said he was coming down, and he asked me to come out, and I walked down with him.

Q. You told him who you were, or he knew who you were, one or the other?—A. Yes, sir.

Q. What did he say about it?—A. He said that he did not know much about it. He said that he did not know much about either one of the boats. That is, he did not know anything about our boat.

Q. He had not been down in your boat at that time?—A. He had not been down in our boat.

Q. When did he go down in it?—A. He went down in our boat sometime—well, it must have been last year.

Q. 1907?—A. 1907.

Q. How did he happen to go?—A. By invitation.

Q. Written or verbal?—A. Oh, I am inclined to think I had spoken to him about it several times, to go down. I know I have asked several Congressmen if they did not want to go down some time, and I do not remember writing to him about it now.

Q. Do you remember where you spoke to him about it?—A. No, but he and several others had been talking about going down in our boat for some time, and then I said that we were running the boat occasionally, and then we arranged for him to go down at such a time.

Q. At this first time you met him in 1906, when you talked to him about it, did you urge him to oppose an appropriation for submarines?—A. No, sir.

Q. Did you urge him to favor an appropriation?—A. No, sir; I only asked him that if there was any legislation to come up that it be—that we desired to have it open and free, so that we could have a

chance to get in, and it would not be prohibitory or exclusive. That is the only consideration I ever asked of any man in Congress.

Q. How did Mr. Lilley vote upon that proposition?—A. That I could not say.

Q. You never heard?—A. I probably did hear—but that—I think at the time that passed the House it was open legislation at that time.

Q. Do you remember how he voted on it?—A. Well, I think that that went through—well, it was pretty open legislation.

Q. Somebody must have voted for it?—A. Well, they all voted for it, and I say there was no restriction——

Q. We are not asking about legislation, but do you know how Mr. Lilley voted on it?—A. I do not know of my own knowledge.

Q. Did you ever hear how he voted on it?—A. If I did, I have forgotten.

Q. Did you talk with him about his vote?—A. No, sir.

Q. When did you next meet Mr. Lilley after that time you walked up the street with him?—A. Probably the only time I ever seen Mr. Lilley to talk with him was when he was down on our boat.

Q. Did you talk with him about legislation at that time?—A. No, sir.

Q. Or about the merits of your boat?—A. Well, I explained the boat, showed him how she acted, and all that kind of thing, and I presume that he took quite a considerable interest in it in asking questions, and I showed him.

Q. Since then he has been rather friendly to your boat?—A. I do not know that he has. I got the impression that he has not been; that he thought our boat was all right as far as it goes, but whether he has been in favor of submarine boats, he has never said so to me, and I never discussed the question of submarine boats particularly with Mr. Lilley.

Q. He helped get the contract for your boat?—A. I don't know anything about that. He went up there to see the Secretary, but I did not go in with them to the Secretary, and what they said to the Secretary I know nothing.

Q. He wrote and telegraphed the Secretary about it at your request?—A. Yes; he asked the Secretary to give the thing consideration.

Q. Then he went up to see him at your request?—A. No—well, yes; this last time they went up to see him at our request.

Q. You do not understand that he opposed granting the contract to you?—A. I do not understand anything about it.

Q. You would not have asked him to go up if you had not expected him to favor a contract?—A. I suppose he did, and I have no knowledge but what he did and I have no knowledge what he said.

Q. When did you next see him? You saw him then the time you went down in the boat, when did you next see him?—A. I think the next time was at the Secretary's, and the time he went to see the Secretary—about the 1st of January, 1908.

Q. When did you see him after that?—A. I don't think I have spoken to Mr. Lilley from that time to this.

Q. Have you ever had any correspondence with Mr. Lilley?—A. None whatever. Nor in regard to submarines.

Q. You are very positive you never had any correspondence with Mr. Lilley at all with reference to submarine boats?—A. I have no

recollection of writing a word to Mr. Lilley with reference to submarine boats.

Q. Don't you know that you did write to Representative Lilley asking him to intercede in that contract?—A. In that contract?

Q. Yes.—A. No; I do not know. I think there was a letter written to Mr. Lilley in regard to the Secretary of the Navy—saying that the Secretary of the Navy——

Q. Who wrote that letter?—A. I probably may have signed that letter; I don't know.

Q. You think now you may have signed a letter to him?—A. I understood you to say in regard——

Q. I asked you if you had ever had any correspondence with him at all, and you said, no.—A. I have said that he was requested to correspond with the Secretary of the Navy in regard to the contract.

Q. Mr. Neff has testified that he went up to see him?—A. Yes, sir.

Q. Didn't you also write him?—A. I may have sent to Mr. Neff a letter of introduction, and yet I don't know.

Q. Didn't you write him a letter, asking him to take up the matter with the Secretary of the Navy and help you get a contract?—A. I don't think so, in regard to getting a contract.

Q. If Mr. Lilley wrote to the Secretary of the Navy saying that Mr. J. C. Lake writes me, probably you did write him?—A. That would signify that I did; yes, sir.

Q. Don't you think you did?—A. I say I may have written to him to that effect.

Q. You did, didn't you?—A. No; I don't know it.

Q. Who would know if you wrote if you do not?—A. The only way I could find out is to go over the files. I know that Mr. Neff went to see him in regard to that, but whether I sent a letter to him or not, I don't know.

Q. Are you quite as positive now as you were a moment ago that you did not write him?—A. No; I am not positive I did not, and I am not positive that I did.

Q. You rather think you did, don't you?—A. Well, it is to be inferred; probably it is a natural thing for me to have done, when Mr. Neff went up there, and I think I should have had no hesitation in writing and asking him as a Representative to do it.

Q. You knew him well enough for that, didn't you?—A. Knew what?

Q. You knew Mr. Lilley well enough?—A. I would not know any of the Representatives so I would feel I had a right to ask them to do any anything.

Q. I say you knew him well enough to write to him?—A. I did know him well enough to write to him because I had seen him. He has been aboard our boat.

Q. And if he wrote to the Secretary of the Navy to the effect that you had written him, then you wrote him?—A. I must have.

Q. Now, will you give us a copy of that letter. You keep a letter-press copy, don't you?—A. I presume so, if there was a letter written I suppose there was a press copy of it, undoubtedly.

Q. Will you look that up and let us have it?—A. All right.

Q. What do you know about the effort made by your company to disseminate information to Members of Congress by newspaper arti-

cles or magazine articles or postal cards or literature of any kind?—A. Of my own knowledge I know very little.

Q. Let us have what little you do know?—A. I believe a suggestion has been—an effort has been carried on, whether very systematic or not I do not know, but it was not under my supervision and I have had nothing to do with that part of the business.

Q. Did you talk about it with other officers of the company?—A. I have heard it talked about, yes.

Q. You knew is was going on?—A. I knew it was going on to a limited extent. I personally—I have had nothing to do with it. That has been carried on I guess mostly from the other side—mostly, what there has been done.

Q. Carried from the other side?—A. Yes, sir.

Q. Were newspaper and magazine articles for effect or influence carried on from the other side?—A. Yes, there have been clippings kept of newspapers, and we have had clippings, and we have them, and keep them there, and I do not know of any concerted action particularly of disseminating them or distributing them around generally, for some time.

Q. You just had them in the newspapers, and you did not trouble to disseminate them?—A. No.

Q. What newspaper did you have them published in?—A. I don't know.

Q. You have the clippings?—A. Yes; we have the clippings from different newspapers.

Q. Where are those clippings?—A. I presume they are in the office.

Q. What office?—A. In the Washington office.

Q. What newspapers have you caused publications to be placed in?—A. We had not caused any publications to be placed in, with the exception of advertising our boat in the New York Army and Navy Journal and the Army and Navy Register and a few such papers like that; we have advertised our boat.

Q. The Scientific American?—A. Yes; I think it was. I do not know whether we carried any advertisement in the Scientific American. To my knowledge I do not know that we did carry it in the Scientific American, an advertisement.

Q. Harper's Weekly?—A. Not to my knowledge.

Q. Do you say you do not know whether you did carry it in the Scientific American?—A. In the Scientific American—I do not know that we have had any paid advertisement in the Scientific American.

Q. You had some there that were prepared.—A. If we have had, I do not know about it. I do not know that they were prepared—not by me.

Q. Do you know Mr. Skerrett?—A. Yes; I know Mr. Skerrett.

Q. He prepared them for you, didn't he?—A. There, I have no absolute knowledge of this. I haven't any knowledge of Mr. Skerrett's actions. He has not been connected with our concern in the United States since I have been connected with it, in Washington.

Q. That is for the last two years?—A. Something about the last two years.

Q. If he did write some articles this year in behalf of your company, then you do not know about it?—A. I do not know about it.

Q. You have not heard his testimony before this committee?—A. I have not.

Q. And if he did some work at the suggestion of Mr. Simon Lake, why, that was after you were out?—A. That is something that I know nothing about.

Q. What about Mr. Johnson?—A. Mr. Johnson was with us last year, and he wrote some articles that I think he got in the papers.

Q. Do you know of any of the papers?—A. I think he put an article in one of the Washington papers.

Q. Is that the only article and the only paper?—A. I do not know of but one paper that he put any articles in. That is, any paid articles in. He is a writer and writing little story articles. If he did, I did not know about it.

Q. What do you mean by paid articles? Do you mean that you paid the paper to put them in?—A. As a matter of advertisement.

Q. Did you put any advertisement in a Washington paper?—A. Yes.

Q. The article appeared in the form of an editorial, didn't it?—A. I do not know that it did.

Q. You saw it?—A. Well, I do not seem to remember now whether it was or was not.

Q. It looked like an editorial, didn't it?—A. That is probable, but I do not recall it. But I think it was in the Washington Post.

Q. Did you pay the Washington Post to put it in?—A. Well, I think, if I remember rightly—no, I think I paid Mr. Johnson.

Q. You paid Mr. Johnson?—A. I think I paid Mr. Johnson.

Q. You did not pay the Post?—A. I don't remember, but I hardly think I did; yet I don't know.

Q. What else did Mr. Johnson do for you while employed by you?—A. He took photographs of our boat and the performances, and one thing and another, and made himself generally familiar with it, to talk the matter up and explain the workings of the boat to people.

Q. Did I understand you to say that Mr. Johnson paid the Post?—A. I did not say—I said it was probable that I paid Mr. Johnson, and that Mr. Johnson paid the Post.

Q. How much did you pay Mr. Johnson?—A. I don't know.

Q. Don't you remember it at all. In round numbers, can you give us within a thousand dollars?—A. Oh, yes, it was not—it was probably a hundred dollars or something like that, probably all together I don't think there was ever more than that—a hundred or two hundred dollars, say.

Q. Say $200 for the Post article?—A. Any paper in which——

Q. I am talking about the Washington Post article. Not about any other paper.—A. Well, I think it is certainly not over $200.

Q. You paid Mr. Johnson by the month for his services?—A. Yes, sir.

Q. And this payment, you say, was in addition to his monthly salary?—A. Yes.

Q. What other articles have you had in newspapers that you paid the newspaper for?—A. I don't remember any newspaper that we paid for articles for, as I say, except where we ran our regular advertisement of our boat, photographs, etc.

Q. How much did you pay the Army Journal?—A. We have advertised in that for over a year; possibly two years.

Q. How much did you pay them?—A. I think probably in the neighborhood of $500 or $600 a year each.

Q. The articles there did not look like advertisements.—A. We run an advertisement in them; that is what we paid for.

Q. Did the same thing appear in each future issue?—A. Yes, sir.

Q. Or did you change it?—A. No, sir; the same thing appeared the whole year.

Q. What other publications did you pay to have matter inserted?—A. Well, I think there was a paper here, this is the Army and Navy Engineering Journal, or something like, published by the Navy Department here.

Q. How much did you pay that?—A. We had a yearly advertisement in there.

Q. Not a series of articles, but just the same thing?—A. Just the same thing; just a standard advertisement.

Q. How much did you pay for that?—A. I don't remember, but that is a monthly paper. I think perhaps about a hundred dollars a year for a standard advertisement.

Q. What else did Mr. Johnson do for you for the $150 a month that you paid him?—A. Well, he didn't do anything except to wait for an opportunity to do something, that is about all, I guess, and he got so sick and tired of it, "Here, you have got nothing for me to do, and I am going to quit."

Q. Would you like to take on some more employees?—A. No.

Q. What other papers did you have articles in?—A. I don't remember.

Q. At any time?—A. I don't remember any other article or any other paper, if there was anything paid the Scientific, of my own knowledge. I don't recollect having any advertisement in the Scientific American.

Q. What did you hear you paid the Scientific American?—A. I didn't hear we paid them anything.

Q. How many extra copies of the paper did you hear you had bought?—A. I didn't hear we had bought any.

Q. Did you hear that copies had been sent to Members of Congress?—A. No.

Q. Did you hear how many extra copies of Harper's Weekly the company got?—A. No.

Q. Did you hear that copies had been sent gratis to Members of Congress?—A. No.

Q. What was the date of this article in the Washington Post?—A. That was over a year ago.

Q. How much over a year ago?—A. Possibly two years ago.

Q. Those are all the newspaper articles you think of?—A. Yes, sir.

Q. On this side?—A. The other side I know nothing about.

Q. You did not manage the other side?—A. No.

Q. You knew Mr. Skerrett?—A. Yes, sir.

Q. He was in the employ of your company or some of its interests on the other side of the water?—A. Yes; I believe he was.

Q. He has testified that he received documents or copies of documents and information from the Navy Department. What do you know about that?—A. Absolutely nothing.

Q. Did you send them to him?—A. I did not.

Q. Do you know who did?—A. I do not.

Q. Did you ever hear of it?—A. I heard that he had received some, and I saw, after the publication, where he had published an article, but I had no knowledge of it until I saw it in the paper.

Q. You did not even suspect that he had it?—A. No, sir.

Q. Where were you when you saw that?—A. I was here in Washington when I heard of it.

Q. You did not know he was getting information from the Navy Department?—A. I did not. In fact, Mr. Skerrett was here before I came, and he left before I came, and I knew absolutely and really nothing he did while he was here, or since he has been in the office.

Q. Do you know Mr. Grant Hugh Brown, or Hugh Grant Brown, or whatever his name may be?—A. No, sir. Where from?

Q. From anywhere?—A. I do not know Hugh Grant Brown.

Q. New York, they say he is from.—A. No, sir.

Q. Do you know anybody by the name of Brown?—A. I know the Brown associated with Mr. Thurston.

Q. You mean Mr. Thurston's partner?—A. Yes; that is the only Brown that I know of.

Q. The only man by the name of Brown?—A. Well, no; I know Browns, but I don't know any Grant Hugh Brown.

Q. Do you know any Hugh Grant Brown?—A. No; I do not.

Q. Do you know any Brown that has been in the employ of the Lake Torpedo Boat Company at any time?—A. No.

Q. You never heard of him?—A. No.

Q. Either in this country or abroad?—A. I never heard of him even abroad, although I would not be apt to know.

Q. Did you ever hear of a Mr. Flint?—A. Yes, sir.

Q. Charles R. Flint?—A. Charles R. Flint; yes, I knew Charles R. Flint.

Q. Where does he live?—A. I think he lives in New York.

Q. When did you last see him?—A. I saw him on my return, since I came down; I saw him yesterday.

Q. You saw him yesterday. Did you have any conversation with him?—A. Nothing particularly. I just stepped in. He is the first man I seen there.

Q. Where?—A. New York. I just stepped in his office yesterday. He has been our agent, practically abroad; handling our goods abroad and selling our goods abroad.

Q. How did you happen to call on him yesterday?—A. Simply because I generally do when I go past——

Q. Did you call there when you were in New York on the 17th or 18th of March?—A. I think I had him on the phone—I don't think I seen him at that time.

Q. What talk did you have with him on the phone on that occasion in regard——A. I don't remember. I didn't mention it.

Q. Don't break in before I get my question out. You did not have any conversation?—A. I called—I am not positive—I called him over the phone at that time.

Q. You are not positive now?—A. No; I may have done that.

Q. May he have called you?—A. No; he would not have known I was in New York unless I phoned him.

Q. I would like to have you refresh your recollection a little and say whether you did have a conversation with him over the telephone while you were in New York on the 16th or 17th of March this year.—A. No; I don't think I did.

Q. What made you think a few moments ago that you did?—A. I say I usually called him up, and I may have called him up to get him, on the phone, but I don't remember doing it at that time.

Q. When had you seen him last previous to the 17th of March?—A. That I couldn't say. That is quite awhile.

Q. How long—three days?—A. Four months, two months. I think I saw him about the time I went to New York to meet my son, some time in February.

Q. This year?—A. Yes; when my son came over. I think I just dropped in and told him my son was on the way, or that he was coming about that time.

Q. Now, you dropped in to see him yesterday when you arrived in New York?—A. Yes, sir.

Q. You went to his office before you went to the hotel.—A. Oh, no.

Q. Didn't you?—A. No; I went to his office from the hotel yesterday.

Q. How long had you been in New York before you reached his office?—A. I was in New York Tuesday afternoon. I just saw him yesterday, about 12 o'clock, I think.

Q. Had you in the meantime talked with him over the telephone?—A. No, sir.

Q. Did he talk with you over the telephone?—A. No, sir; I just called up the phone to know whether he was in.

Q. Then you did talk with him?—A. I just asked him only if he was in.

Q. But you did call him up over the telephone? When was that?—A. Yesterday about a half an hour before I got to his office, from the Grand Central Depot.

Q. Tell us what you said when you got to his office?—A. I just asked him if there was anything doing, and he said no. I asked him what was—I asked him what was going on, and he made this remark. I said, "I have been told that Rice said that you had made an offer from the Lake Company——

Q. You told him that?—A. I told him that I had heard that.

Q. Where had you heard that?—A. I don't know that. I think probably Mr. Adams told me that.

Q. When had you seen Mr. Adams?—A. It may be that I seen that, it seems, in one of the New York papers that I had in New Orleans.

Q. You do remember something you saw?—A. I don't remember that I did see that exactly at New Orleans, but I knew the fact that Mr. Rice had been and said that, and I asked Mr. Flint about that, and he said that he believed that Mr. Rice had made such a request as that.

Q. What is that?—A. I asked him if he had been before the committee, and he said No.

Q. Did he say he wanted to come?—A. No.

Q. He didn't express any desire to come?—A. No.

Q. Did you urge him to come?—A. I did not; no.

Q. Well, he will come.—A. I don't know anything about that.

Q. Now, what further occured?—A. Nothing. Just merely passed the time of day.

Q. What time did he say it was?—A. About midday.

Q. That is all the conversation you had with him?—A. Yes; I talked with him about affairs on the other side a little.

Q. The first question you asked him was if there was anything doing, or what was doing?—A. I asked him if——

Q. That is what you said?—A. Yes; well, I asked him if he had been—if he knew how things were going on down here; how things were coming.

Q. Down where?—A. Down in the investigation. I told him I seen where Rice had said that he had made some proposition to him.

Q. What did you mean when you asked him if there was anything doing?—A. Well, I probably didn't put it in that shape. I asked him if he had been called, I think, before the committee; that is about what I asked him.

Q. That is not the way you ask a man if there is anything doing. Your language was you asked him if there was anything doing. What did he understand from that?—A. I don't know.

Q. What reply did he make?—A. It is a common expression.

Q. What reply did he make?—A. He just said he didn't know only by what he had seen in the papers. He hadn't been called and he didn't know whether he would be called or not.

Q. Did he tell you about his interview with anybody?—A. No, no.

Q. You didn't ask him about that?—A. No, I didn't know anything about it. I knew absolutely nothing about it. In fact it had not come to me; it was out of my jurisdiction. He nor anybody else would have ever said anything to me about such a proposition as that, because I would not have the authority to consummate that if it was.

Q. What in the world did you talk with him about at all?—A. I stopped there; he is representing our people on the other side, and I asked him how they were getting along over there, and he said things were coming on quite fairly; that was our general conversation—about our business over on the other side.

Q. Didn't he have authority to sell your company out?—A. Not to my knowledge, no.

Q. Didn't you ever say that he had?—A. I never did.

Q. Did you ever talk with him about it?—A. No.

Q. Did you ever write to him about it?—A. No, sir.

Q. Never heard of it in anyway, shape, or manner until you learned it in the newspaper down in New Orleans?—A. I don't know that I saw about that particularly, but I never heard at all of it, and no knowledge of it, no knowledge whatever. It has not been brought before me personally or before our directors.

Q. How do you know what I am talking about if you did not see that in the paper?—A. I say I saw that somewhere in the papers, that Mr. Rice said he had been offered this proposition.

Q. Where could you have seen it if it was not in New Orleans?—A. It may have been in a New Orleans paper or a——

Q. Or a Habana paper, did you say?—A. No; I don't think I did say that.

Q. If you did not see it, and never heard it before, why didn't you ask Mr. Flint something about it?—A. Well, I did ask him in a general way.

Q. Asked him in a general way?—A. I asked him about that, and he said that he guessed that was on the other side, or something to that effect.

Q. On the other side?—A. Yes; that the proposition came—he said he had never made a proposition to buy them out, had no authority to make it.

Q. He had made propositions before, hadn't he, during the last year or two?—A. Not to my knowledge.

Q. You knew of some talk between Mr. Flint and the officers of the Electric Boat Company, didn't you?—A. No, sir; not to my knowledge.

Q. You never heard of it?—A. No, sir; not to my knowledge.

Q. You heard of it?—A. No; not for selling out.

Q. Well, for merging?—A. No, sir.

Q. Getting together?—A. No, sir.

Q. Stopping competition?—A. No, sir.

Q. Then what was the negotiation about?—A. In what respect?

Q. That is what I want to find out.—A. Well, I don't know.

Q. You know Mr. Flint did have some conversation with the Electric Boat people?—A. I do not.

Q. You never heard of it?—A. I saw in a newspaper where he said he did.

Q. Didn't you ever hear of it before that?—A. No, sir.

Q. Did you ever hear of Mr. Berg having any talk about it?—A. No, sir.

Q. Or Mr. Brown?—A. I don't know Mr. Brown.

Q. You know Mr. Brown has been in the employ of the Lake Torpedo Boat Company?—A. I know he never was; that is, to my knowledge. He never received any pay through the regular channel. If he has he must be an employee of Mr. Simon Lake, because he is not in the employ of the Lake Torpedo Boat Company.

Q. And you know all about the payments that are made through the regular channel, do you?—A. No; not altogether, except what goes through our regular pay roll in the office.

Q. Does the company have some expenses that do not go through the regular pay roll?—A. Well, no; that is—no, no.

Q. What are the irregular channels?—A. There is no irregular channels.

Q. What did you mean by regular channels?—A. I say I don't know, unless he has been employed—but he has not been. I know everybody in the employ of our company.

Q. You have control of the books that have the payments made through regular channels?—A. Yes, sir.

Q. Where are those books?—A. I don't know.

Q. You have charge of them and you don't know where they are?—A. I understand that the books have been presented here.

Q. Not yet they haven't.—A. Well, I understand they are ready to be.

Q. Where do you understand they are?—A. I understood they were to be presented here.

Q. In whose custody are they?—A. I don't know.

Q. They are in your charge?—A. No, sir.

Q. You said they were.—A. I said they had been, but I don't know now; they are not now.

Q. When did they leave your charge?—A. When Mr. Simon Lake come over here and I was retired, or I never had anything to do with the business when Mr. Simon Lake is here.

Q. And you turned them over to Mr. Simon Lake, didn't you?—A. Yes, sir.

Q. Didn't you turn them over to Mr. Clement Adams?—A. No, sir. Mr. Simon Lake may have turned them over to Mr. Clement Adams, but I don't know whether he did or not.

Q. You say positively that Mr. Brown was never employed by the Lake Torpedo Boat Company or Lake Submarine Company or yourself or Mr. Simon Lake for any purpose whatever?—A. I can say that I never knew such a Brown to be employed by either the Lake Torpedo Boat Company, myself, or Mr. Simon Lake.

Q. What kind of a Brown do you know?—A. I don't know any Browns.

Q. What Brown did you ever hear of being employed by them?—A. I don't know.

Q. You don't know what Brown it was?—A. I don't know if there was ever any Brown ever connected with our company.

Q. Did any Brown ever have anything to do in any negotiation for your company?—A. Not for me.

Q. Or connected as a commission agent for the company?—A. No, sir.

Q. Or transact any business whatever in which your company was concerned?—A. Never to my knoweldge.

Q. Did you ever hear that he did?—A. No, sir.

Q. Or read that he did?—A. No, sir.

Q. Then you did not read that in the paper?—A. Except in this regard: That Mr. Rice says that a certain Brown did; I saw that, but I don't know that.

Q. Can you remember a little more particularly and specifically the date of that article in the Washington Post to which you referred?—A. No.

Q. Can you give us the year?—A. I should say it was about two years ago, about.

Q. About two years ago at the present time?—A. Well, possibly in March two years ago at the present time; say March or February.

Q. The payments to which you refer, that went through the regular channels, did it?—A. I suppose it did; yes.

Q. You just said you paid it and you just said you had control of the payment through the regular channels.—A. Yes, sir.

Q. Did you pay it through any irregular channel?—A. Only through advertising.

By Mr. STEVENS:

Q. You said that you were at the trials at Newport a year ago?—A. Yes, sir.

Q. Did you return to Washington from Newport?—A. I think I did.

Q. When was that?—A. Well, that was at the closing of the trials. I may have stopped at Bridgeport for a day or two, but I think I came to Washington.

Q. What month was it that you returned to Washington?—A. That might have been in—along the 1st of May.

Q. The 1st of May?—A. The 1st of May. The trials were in April—no, the 30th of April—it might have been in June.

Q. And about what time was it that you received information from the Secretary of the Navy that he would refer this matter to the

Attorney-General?—A. That must have been the latter part of June or July.

Q. Was it in June or July, do you recollect?—A. That was the day before he went to Los Angeles or West on his summer vacation.

Q. You do not recollect exactly the time?—A. I could not give the date. I think I could find that date.

Q. And you stayed in Washington from the time that you came after the trials until that time?—A. Well, probably.

Q. Did you concern yourself with the business of the company during that time?—A. Yes; what business there was to attend to.

Q. Did you go to the Navy Department for the company during that time?—A. I do not know whether it was at that time or not. We were at the Navy Department, maybe, to see a trial in their model tank of a model of the boat. In fact, we have had two or three made at different times, but I never went to the Navy Department except once, and I went once to see one of those trials. I don't know whether it was at that time or before. I am inclined to think it might have been at that time.

Q. So you did not go yourself to the Navy Department very much?—A. No, sir.

Q. Have you ever been to the White House?—A. No, sir.

Q. You have never been there at all?—A. No, sir; that is, I have been at the White House—I was at the President's reception.

Q. Did you go there in June?—A. No.

Q. Do you remember about that?—A. I remember that I never was in the White House except at night, and at one of the President's receptions.

Q. And you remember that you did not go there that June?—A. Yes, sir.

Q. And by the White House you mean to include that wing next to the War Department?—A. Yes, sir.

Q. So that you have not visited any officials there and did not visit any of the officials there in June concerning these naval matters?—A. With the exceptions of the Secretary of the Navy, and when the Secretary gave us authority to see the reports of the board, then I went down and read that report over in the hands of the Judge-Advocate—that is, he read it to us, that was all—we were not given any copy of it, and we simply heard it read over at the instance of the Secretary of the Navy.

Q. And you found that report in the office of the Judge-Advocate-General of the Navy?—A. Well, he sent and got it and brought it there and read it to us, the part concerning the Lake boat only, but not concerning the other boat.

Q. So that you did not know how you stood in comparison with the other?—A. No, sir.

Q. Did you know at that time the recommendation of the board as to the purchase of the Electric Boat Company's boats?—A. No, sir.

Q. And you did not know at that time that the board had not recommended the purchase of any of your boats?—A. No, sir.

Q. When did you find that out?—A. The Secretary of the Navy told me that at the hearing before he went West, when he told me the award was ready to be made.

Q. How long after this reading in the office of the Judge-Advocate-General did you interview the Secretary of the Navy?—A. That I

could not say; but there was not a very long interval of time, I don't think, before they were ready to give their opinion or decision, when I was admitted to the Secretary.

Q. After you read that report in the office of the Judge-Advocate-General, and before you talked with the Secretary of the Navy, did you communicate your information to the officers of the company in Connecticut?—A. I think I wrote a kind of general résumé of the report with regard to our part?

Q. Who did you send that to?—A. I presume I sent it abroad; I sent it to my son who was abroad. I told him the report of the board—it just simply was a memorandum of what the report said concerning our boat.

Q. Where was your son at that time?—A. He was probably in England or Russia, I don't remember which.

Q. What report did you send to Bridgeport?—A. I did not send any to Bridgeport.

Q. Didn't you communicate with Captain Wallace about that?—A. Well, he was a director, and I probably sent the same thing to the directors?

Q. To Captain Wallace at Bridgeport?—A. Yes.

Q. Did you ask Captain Wallace to assist you in bringing the attention of the Secretary of the Navy to this matter?—A. No, sir. Not to my knowledge. No; I did not.

Q. What reply did you get from Captain Wallace?—A. I don't remember of any.

Q. Did you get any?—A. I don't remember I did. It would not call for one that I know of.

Q. When did you see Captain Wallace after that?—A. I usually go to Bridgeport—I used to go there once or twice a week and sometimes I would see him and sometimes I would not.

Q. Did you discuss with him the report that you sent to him?—A. I don't think I did.

Q. Did he indicate to you that he had received it?—A. I don't remember that.

Q. So you don't know whether he received it or not?—A. No, sir.

Q. Do you know whether that is on file in your office at Bridgeport?—A. I doubt it being on file in the office at Bridgeport.

Q. It was an official paper from you?—A. It was simply a memorandum. It was not correct. I had to write it after we had left the office, because I was not allowed to take any notes from it. The Secretary said we were not to take any notes from it. We were simply to be allowed to see it, and after I went home I wrote down and said I have seen this report which says so and so, and about so and so, but there is nothing definite about it in any way, shape, or fashion, and I did not take a definite paper of it. It was simply for the general information.

Q. And you sent it to your son in England?—A. I sent probably the same thing to my son in England.

Q. Do you know whether Captain Wallace or any of your Connecticut directors or friends took any means to interest themselves concerning this report after you sent it to them, to bring it to the attention of the Secretary of the Navy?—A. No, sir; I do not.

Q. What was the first time that you communicated with any members of the Connecticut delegation after that?—A. After the report of the Attorney-General.

Q. As I understand you did not communicate with any of them before the matter was sent to the Attorney-General?—A. No, sir.

Q. When did you after that?—A. I think I communicated with them in regard to it and probably sent them a copy of the Attorney-General's opinion. I am not sure of that.

Q. You do not know whether you sent them copies or not?—A. No.

Q. When was the report of the Attorney-General delivered to the Secretary of the Navy; do you remember?—A. I do not.

Q. When did you learn of it?—A. That I do not know. But I am inclined to think got it the next day.

Q. You were here in Washington at the time?—A. I was here in Washington at the time, but I didn't get it; I am inclined to think that Mr. Neff got it when it was published. I saw a publication of it.

Q. Then you informed yourself of its contents?—A. Yes, sir.

Q. When did you communicate with any of the Members of Congress from Connecticut concerning it?—A. I do not know that I communicated with them particularly concerning it.

Q. What month last year was it that you learned about that report of the Attorney-General?—A. I think it was probably about the middle of July.

Q. When after that did you communicate with any of the Members of Congress from Connecticut?—A. At the time when I found that the Attorney-General had given his decision, and then I asked them to see the Attorney-General or asked them to correspond with, I think, the Secretary of the Navy.

Q. In what way did you ask them?—A. Well, I say I don't know whether we wrote the letter to them all or not. I think Mr. Neff went up and seen most of them.

Q. You think Mr. Neff went to Connecticut and saw them?—A. Yes, sir.

Q. Did you see any of them personally?—A. I think not; no.

Q. Did you write any letters to any of them personally?—A. Not possibly any more than a letter of introduction. I don't remember whether I did that or not.

Q. You knew all of them personally?—A. No; not personally. That is, I believe I had met them all at times, and knew who they were, but I was not personally acquainted with all of them.

Q. Did you invite them over to go down in your boat last summer?—A. Not specifically; no.

Q. Did you in any way invite them to examine your boat?—A. Casually, as the case may be, I have asked them and a great many people to go down and see our boat.

Q. The boat was at Bridgeport?—A. Mostly at Bridgeport.

Q. At what time did you take the Members down in your boat?—A. That was some time during the summer, last summer.

Q. What month? After the opinion of the Attorney-General was rendered?—A. No, sir; it was before that.

Q. Then it was early in July?—A. Probably it was. I don't know. It may have been earlier in the year. It may have been very near—I should say a year ago since Mr. Lilley went down in the boat—in January.

Q. That was before the trial at Newport that he went down?—A. Oh, yes.

Q. You are quite positive about that?—A. Oh, yes; I am quite positive about that.

Q. Don't you remember that Mr. Lilley made a long trip to Hawaii that took him away nearly to the 1st of July?—A. He took that after he was down on our boat, I understand.

Q. What other Members of Congress other than from Connecticut went down in your boat?—A. I think the only Member of Congress that I recollect now that ever was down in our boat was Mr. Bates, from Pennsylvania.

Q. When did he go down in your boat?—A. At the same time that Mr. Lilley did.

Q. And that was early in the spring?—A. In the winter some time.

Q. Did you invite any other Members of Congress to go down in your boat?—A. Yes, I did.

Q. Who?—A. I think I wrote a letter to the chairman of the House Naval Committee and the chairman of the Senate Naval Committee and told them that we would be pleased if anybody wanted to see our boat to have them come down. I am quite positive I did that, but I don't remember when.

Q. You don't remember when?—A No, sir.

Q. And you have copies of those letters?—A. I presume I have, but I don't know that I have.

Q. Where were you when you wrote those letters?—A. Probably in Washington.

Q. Were they in Washington at that time?—A. I think Congress was in session. A great many of them expressed a desire to see our boat personally, and I made that request or offer for anybody to come down and see it.

Q. How many other letters did you write or invitations to see your boat?—A. I do not remember of any specially.

Q. Did you write any other members of the Senate Naval Committee or House Naval Committee?—A. Not personally that I remember.

Q. Did you write or communicate with any other Members from any other State except Connecticut?—A. No.

Q. Did not invite any of the New England or New York Members?—A. No, not particularly, except in this letter to the chairman of the House and Senate committees; that is the only one I know.

Q. Did you ask any of these Members that you wrote to to help you to the contract with the Secretary of the Navy?—A. Never.

Q. Have you talked to any of them about this contract before the Navy Department?—A. No, sir; except when the delegates were together there, that is the only thing that was talked.

Q. Connecticut delegation?—A. Connecticut delegation.

Q. You are acquainted with quite a number of Members of Congress, are you not?—A. Well, slightly, but not very many.

Q. You met them since you have been here?—A. Occasionally.

Q. Have you talked with any of them concerning your boats?—A. No, not specifically; except in the evening sometimes. I have never taken the position of going and soliciting to Congressmen or anybody.

Q. Would you talk to them as you happened to meet them?—A. Generally they would speak to me about it, and I would tell them.

Q. Did you meet any of them during the fall or early fall months and talk to them about your boats?—A. Before Congress?

Q. Yes, about the time Congress convened?—A. No, sir.

Q. Did you talk with them about the condition of your affairs before the Naval Committee?—A. No; not to my knowledge now.

Q. Now, during the fall months, after you were informed about the opinion of the Attorney-General, what members of the Connecticut delegation did you see or talk to personally about it?—A. I never saw any of them, I think, until Congress assembled, and that was at the time that they were all together with the exception of Mr. Lilley, and I never talked to them, never.

Q. Was there more than one meeting of that kind?—A. No, sir.

Q. Only one at the New Willard on Sunday?—A. Yes, sir.

Q. Did you, while you were in charge of the office here—did you get any information from the Navy Department regularly or irregularly, concerning tests or trials of boats by them?—A. What tests or trials?

Q. Whatever trials were had—whatever information the Navy Department had concerning tests or trials or whatever boats—did you get information from the Department?—A. No, sir.

Q. Is any such information on file at your office?—A. Not to my knowledge.

Q. So that whatever information your company got is at some other office?—A. I do not know about any information about trials that has been had from the Navy Department.

Q. Does your company get its mail or information from the Navy Department at its Washington office or its Bridgeport office?—A. Well, I think generally now it has been the Washington office.

Q. How has it been the last year or so, while you have been connected with it?—A. I think the mail goes to the Washington office from the Secretary's office, I think.

Q. So that it would be an unusual thing to have mail go to the Bridgeport office?—A. That is, I think the correspondence with regard to the tests of those models which we have made has all been from the Bridgeport office, because that is the technical end; the correspondence in regard to that has gone to the Bridgeport office.

Q. The technical work to the Bridgeport office and the business end would come to this office?—A. It has been, yes.

The CHAIRMAN. Has Mr. Howard any questions to ask this witness?

By Mr. HOWARD:

Q. Mr. Lake, are you an inventor?—A. Well, I have been somewhat of an inventor in times back.

Q. Of what?—A. Well, window-shade fixtures, and mechanical appliances like that.

Q. Patented?—A. I have taken out a few patents, yes.

Q. What for?—A. Window-shade appliances, I say; such things.

Q. Anything connected with submarines?—A. No, sir; I have never had a patent in connection with submarines.

Q. You are interested in this company largely on account of your son?—A. Solely. He was the inventor, and, while I might have made some improvements in it, it was his hobby, and I have studiously and religiously kept from allowing myself to encroach upon the submarine field. That is his, and I take as much pride in it for him as my son as I would for myself, and probably more so, and I have never taken out a patent nor made application for anything on submarine boats, never. The mechanical end of submarine boats I have turned over to him absolutely.

Q. Rather a paternal interest?—A. No; there is a financial interest also. I have been financially interested in it, and have for years.

Q. Paternally inclined to the project and financially interested in it?—A. It may be that. It is a great hobby with him and has been since he was 16 years old.

Q. You do not want to be understood as riding his hobby?—A. No; I do not want to ride it.

By Mr. OLMSTED:

Q. Mr. Lake, when did you first hear about any resolution providing for an investigation of any submarine companies?—A. Well, I presume that I saw that in the papers before I went to Hot Springs. I presume I saw that in the paper. Whether I did see it or somebody called my attention to it I do not know.

Q. The resolution was introduced on the 20th of February, and you went away on the 18th of March?—A. It was when?

Q. It was introduced on the 20th of February and you went away on the 18th of March. You want us to understand you do not know whether you heard about it?—A. I went to Hot Springs on the 14th of February. If it was after that, I must have seen it in the papers or while I was at Hot Springs.

Q. You heard something about it before you went to Hot Springs?—A. No. If that was the case, I could not have done it.

Q. Had you heard the resolution was in contemplation?—A. No, sir.

Q. You are positive about that?—A. Yes, sir.

Q. Heard no discussion by anyone at all?—A. No, sir.

Q. No suggestion of one?—A. No suggestion; no intimation.

Q. This burst upon you——A. I say if I have seen it I do not know. I had no idea that Mr. Lilley had any information or any knowledge or any intention or anything. Mr. Lilley never mentioned a thing to me nor I to Mr. Lilley.

Q. What conversation did you have with anybody else about any investigation?—A. Well, I have had no conversation specifically about an investigation.

Q. Specifically or not specifically, what did you have?—A. I do not know as I recall anything about an investigation being made. I did not know that an investigation was to be made.

Q. I know, but when did you ever hear any talk of an investigation, whether one was to be made or not, or any discussion of an investigation, or the propriety of an investigation?—A. I do not recall that there was a discussion of an investigation.

Q. Did anybody say anything about an investigation? There is nothing criminal in talking about an investigation.—A. I do not remember that anybody was talking about an investigation; in fact, Lilley's matter here seemed to be a surprise; it was to me at least, so far as I know.

Q. I do not mean Mr. Lilley specifically, but when did you hear anybody talking about an investigation or whether it would be a good thing to have an investigation, or would not be a good thing, or anything about it?—A. I do not recall anything specific, or anything; I do not recall any such thing at any time with anybody or any particular person.

Q. Was it January, 1908?—A. I do not remember.

Q. Before that; was it before January?—A. I do not seem to recall anything in regard to the investigation.

Q. Was it before the luncheon or after the luncheon? (No answer.)

Q. Isn't it a fact, Mr. Lake, that you rather discouraged an investigation?—A. I do not know that I did; I do not know the subject of discussion that I could discourageor encourage; I do not remember. I do not seem to have any idea of discouraging or encouraging, or anything of the kind with anybody in regard to the investigation.

Q. Well, among yourselves?—A. Oh, among ourselves. I could not tell any particular time about that. I heard talk of an investigation for three or four years, I guess, and a few years back there was talk of an investigation.

Q. Come down within the last two years.—A. I do not think there has been any talk of investigation; the only thing that bears on the subject, the Secretary of the Navy asked me if we had any complaint to make about the report of the board, and I told him no. We just simply wanted to know whether it was a defect in the law or whether it was a defect in the interpretation of the law, so that we would know where we were.

Q. I am not talking about the investigation of the acts of Congress. I am talking about a discussion among yourselves as to whether it would or would not be a good thing to have the Electric Boat Company investigated.—A. I do not know whether any talk about that; anything definite in any way could not do it.

Q. Anything definite?—A. Definite or indefinite. I say that I do not know there was any such discussion made in the way of a discussion. It may have been mentioned at different times, quite likely, but I could not specify that there was any concerted action or talking by mentioning the investigation.

Q. It was just random remarks made from time to time?—A. Possibly.

Q. Was it anything more specific than that?—A. No; not to my knowledge.

Q. Then that is what it was. Who was it that made the remarks?—A. I could not say; I could not say there were any such remarks.

Q. What did you say about it yourself from time to time?—A. I do not remember that I ever said anything.

Q. I mean to your own people or your own counsel?—A. Well, I do not know that I said anything in particular or specific about the investigation even to counsel.

Q. I am not talking about anything "particular or specific" about investigation, but anything about investigation?—A. I think I know of the matter if I had gone over it in general conversation; all our conferences of counsel has been really against it. If I recollect, any recommendation at all from counsel about the matter was, in fact, the whole of our people generally would have been against a recommendation if the matter would have been brought up to them to consider whether they would institute an investigation or not; they would have gone against investigation, I am satisfied; but it was never brought up specifically in that shape to my knowledge; that is my impression; that would have been the position of all of our counsel if the matter had been brought up.

Q. You gained that impression generally from random remarks?—A. That is right.

Q. Who made those random remarks?—A. I do not know.

Q. Was it Simon Lake?—A. I think Mr. Simon Lake would have been against the investigation—that is, if there was any impression there.

Q. His expressions were along that line, then, not being in favor of investigation?—A. I think, generally, yes.

Q. How about Senator Thurston?—A. We have never taken up the matter, so far as I know, of investigation, of any investigation; it has never been decided one way or the other.

Q. I understand that the general tone, whenever it was mentioned incidentally in conversation, the general sentiment, was the other way?—A. I think it would be; but it has never been specifically voted on.

Q. Never had a meeting of the board of directors on it concerning remarks that were made from time to time—you were rather disinclined? Now, didn't you ask the Senator to so advise Mr. Lilley not to institute an investigation?—A. No, sir; I did not; to the best of my knowledge I never spoke to Mr. Thurston about the Lilley matter; neither have I spoken to Mr. Lilley, nor he to me.

Q. Did you ever see any form of resolution looking to an investigation at all?—A. No.

Q. Or rough draft of one?—A. Well, I do not recall any.

Q. Well, I would like you to be certain about it.—A. No; I have never seen any specific resolution to be offered by anybody that I know of.

Q. I do not say specific resolution to be offered by anybody; I am asking whether you ever saw a rough draft of any resolution—anything in the form of a resolution.—A. I do not recall; no, sir.

Q. Ever hear one talked about?—A. No.

Q. Did you ever hear anyone say that one had been prepared?—A. No.

Q. Or would be prepared?—A. No.

Q. The only remarks you did hear were random remarks among yourselves of a nature opposed to it?—A. Yes.

Q. Well, now, I want to refresh your recollection a little bit; give us exactly what remarks were made among your own people on the subject.—A. Well, I do not recall any action when it was talked about, except I have heard such remarks—I could not say just when I heard them nor who made them—that they thought it would be detrimental to attempt this, because we have been represented as opposing the other concern all the time, and it would be looked upon as sour grapes on the part of the Lake Torpedo Boat Company; in that respect it would be poor policy for us to do it anyway.

Q. Now, about when was that?—A. I do not know just when it was, and I do not know just who it was that made those remarks.

Q. Before you went to Hot Springs?—A. Well, yes; it probably was before I went to Hot Springs.

Q. Now, who was that conversation between?—A. I don't know; it may have been between any of us, but it was no specific action, so far as that was concerned.

Q. I understand; just an informal conversation. Was it between you and Mr. Simon Lake?—A. Well, probably it was between us and probably between some of the others.

Q. Was Mr. Neff present?—A. No; I hardly think he was. I do not think he was.

Q. You think he was not?—A. I do not know.

Q. How about your counsel?—A. The counsel, so far as I know and if anything was said in my presence, they have opposed when anything has been mentioned—opposed to it, opposed the proposition, thought it would be poor policy, would be bad all the way through.

Q. Now, was it on that occasion that there was a draft of a proposed resolution suggested, was submitted, or talked about?—A. I do not know about any draft. I do not know that anything has been submitted to me.

Q. Or the question of a resolution talked about?—A. No.

Q. Or whether the resolution should be confined to the Electric Boat Company or to the submarine question generally?—A. I never heard that discussed. In fact, I have not been there since the 14th of February, and this subject has really come up since that.

Q. Was Mr. Adams present at that time?—A. I think he went to Bridgeport before I left here; I think he did.

Q. Do you recall the conversation among yourselves occurring in Washington before you went to Hot Springs, after Mr. Adams went on to Bridgeport?—A. I think Mr. Adams went to Bridgeport before I went to Hot Springs.

Q. Then who else was present?—A. I do not know. I do not recall that it took place in Washington or in any particular place. If there has been any talk about the investigation at all, I say if anybody asked the question, it has generally been frowned upon by any expression that I have received from any of our counsel.

Q. Well, how did the rest of you feel about it?—A. I think they all felt that way.

Q. Did you so report to the other directors, Captain Wallace?—A. While it was discussed, I think, Captain Wallace was opposed to the policy of an investigation. I think I have heard an expression, but I am not sure.

Q. Now, who favored it?—A. Well, specifically, I do not know that there was anybody favored it.

Q. Generally?—A. Probably discussed on both sides.

Q. Who took the other side?—A. Possibly there was one one time and possibly another at another time, but I could not say it was somebody in favor; it was a discussion of both sides.

Q. Just sort of canvassing the thing pro and con?—A. Yes; I do not know that any specific action has ever been called for in regard to it.

Q. You were always con, personally, you were always con?—A. No; I don't know.

Q. That is, you were against it?—A. No; I said it was generally on both sides, and one may ask a question on that side and the other on the other side, and I do not know that there was ever any man in the concern that has ever made up his mind in regard to it in one way or the other.

Q. You do not quite understand me. I do not mean in making up his mind so as to favor it, but who made any suggestions on the favorable side?—A. I do not know about that, any particular one.

Q. You say sometimes one would ask a question?—A. Simply took the matter up, that is all, to see whether it was advisable or not; but I do not think that it can hardly be considered that the matter

has been considered by the regular company on the question of the investigation.

Q. I am just talking of the informal discussion of the matter; what argument was suggested in favor of it?—A. In fact, when the contract was awarded for our boat, for one boat which we got, there was no question about anything. I guess we were pretty well satisfied. We have for several years been trying to get recognition for our type of boat, and it has been considered, what we have been trying for for several years. When we got one boat entered we considered we had made a big victory and we were in now and our boat will take care of itself.

Q. It depended something upon whether the legislation of Congress would be exclusive or open, as it is called?—A. That is what we thought; so far as the legislation is concerned, we advocated open legislation.

Q. I infer, it seems quite natural, that some of your people might suggest that if the bad methods of the Electric Boat Company and if the Electric Boat people could be shown up, it might help them to get legislation, if they were doing improper things, and if Congress would get to know it they would not be so apt to favor them; that was suggested, was it not?—A. Well, it may have been as a suggestion, but as far as that simply asked a question why it was; that is all.

Q. Simply a suggestion or inquiry whether that would not be worth while or make it worth while to take the matter up?—A. Yes.

Q. Then some others thought that would not work so well?—A. Yes; I think generally speaking that they opposed it; that it would make, as I say, rather a detrimental impression against the Lake people if they adopted such a procedure.

Q. Then some thought it might help show up the improper methods of the Electric Boat Company and the others thought that it might have the effect of just voting down the whole submarine business?—A. That is practically the situation; that is probably it.

Q. Personally, what view did you take of it as to the advisability or inadvisability?—A. Personally after we got the contract in for one boat I considered we were in, and that settled the whole business. That we will now have a chance so that we can present our boat and then we will go on the merits.

Q. Did you not still think that the investigation might help legislation at this session?—A. No; I do not think I did.

Q. You are not thoroughly convinced on that point?—A. No, sir.

Q. You neither made up your mind that it would or would not?—A. No; I do not think that I came or anybody else came to a decision on it; it was without concrete consideration; that is as I feel about it.

Q. Then you among yourselves reached no definite conclusion as to what you would think best, the resolution was sprung——A. Yes; so far as I know, and as far as I have heard anybody else say of the Lake Boat Company, they had no knowledge of it whatever.

Q. Now, who do you think of your people talked with Representative Lilley or anybody else outside of the company?—A. I know none of our company ever talked with Mr. Lilley about it or that he has ever talked with them. I do not know of any individual either in the Lake Company or out of it, or in Congress or out of it, that he has ever *spoken to, that* I know, that he intended to do it.

Q. It was in the air for some days before he actually introduced it that it was in contemplation?—A. I do not know.

Q. Did you ever hear of anybody that he had talked to about it?—A. No.

Q. Do you think it reasonable to suppose that a man would offer a resolution of that importance without talking to somebody about it?—A. Oh, I would not want to pass upon his judgment in regard to the matter; I do not know who knew of his resolution or anything of the kind.

Q. You had no talk with him?—A. I had no talk with him.

Q. I wanted to call your attention to a letter that Mr. Lilley wrote to the Secretary of the Navy under date of September 23, 1907. He began thus: "My constituent, Mr. J. C. Lake, writes me you are in doubt as to the intention of the Naval Committee and the House in the matter of submarines." That was September 23, 1907, in which he told the Secretary of the Navy that you had written him. Now, does that refresh your memory as to that letter?—A. Will you read that again, please?

Q. Mr. Lilley's letter is dated Waterbury, Conn., September 23, 1907, addressed to the Hon. Victor H. Metcalf, Secretary of the Navy, Washington, D. C. "My Dear Sir: My constituent, Mr. J. C. Lake, writes me you are in doubt as to the intention of the Naval Committee and the House in the matter of submarines." Now, does that refresh your memory as having been written to him?—A. No; that seems to be too indefinite. The matter of submarines, I do not know what he meant.

Q. He certainly said Mr. J. C. Lake writes me?—A. Yes; on the subject.

Q. I am not asking about the letter, I ask you do you remember having written him in or about September, 1907?—A. No.

Q. You know Mr. Lilley's signature, do you not?—A. Well, I don't know whether I would or not.

Q. I have here his official letter.—A. That is all right, and that is all right. But what he means in doubt about submarines——

Q. I do not care what he means in doubt about submarines, I simply want to know whether you wrote him a letter?—A. I presume I did write him a letter in regard to the Secretary.

Q. I am not asking what it is about, but simply whether you wrote it?—A. I presume I did.

Q. Will you let us have a copy of that letter?—A. If I have it, yes.

The CHAIRMAN. Does any other member of the committee wish to ask this witness any questions?

Any Member of the House present who desires to ask the witness any questions?

Anyone else present, either in person or by counsel, who desires to ask any questions of this witness?

Mr. LITTLETON, on behalf of the Electric Boat Company, submits the following questions which Mr. Olmsted will read:

By Mr. OLMSTED:

Q. This is Mr. Littleton's first question: Did not you and your son, Simon Lake, in 1904 or 1905, attempt to bring about the passage by the Connecticut legislature of a resolution calling upon the Connecticut delegation in Congress to demand a Congressional investigation of the Electric Boat Company?—A. 1904?

Q. Or 1905?—A. I was not here at that time.

Q. Or at any other time?—A. I have no knowledge of it, I think.

Q. Did you ever hear of it?—A. Yes; I think that possibly my son asked me at that time, but I was not here; my son was here at that time.

Q. Asked whom?—A. I think that probably he asked Mr. Hill.

Q. Of the Connecticut legislature?—A. Yes, sir.

Q. Then the investigation of the Electric Boat Company was not an entirely new subject when it was discussed this winter at your suggestion?—A. Well, that was the present investigation.

Q. The investigation in 1904 and 1905?—A. No; 1905 investigation, I say that was discussed at that time, in fact it was before the House, there was an investigation started before the House.

Q. Before the Connecticut house?—A. No; before Congress.

Q. I am asking you whether or not you and your son, Simon Lake, in 1904 or 1905, or at any other time, attempted to bring about the passage by the Connecticut legislature of a resolution calling upon the Connecticut delegation in Congress to demand a Congressional investigation of the Electric Boat Company?—A. No; I know no official action of that kind.

Q. Official or unofficial?—A. I do not think it was ever presented to the house of Connecticut; no.

Q. Did you ever talk about it?—A. I think that I have heard that talked about, but I do not now know anything at all about it, but there never was anything done about it to my knowledge.

Q. Did you ever attempt to have any such resolution introduced in the Connecticut legislature?—A. I do not know that there was.

Q. Did you ever hear it talked about?—A. I am inclined to think that probably it was suggested or talked about; I do not think it was ever consummated.

Q. Who talked about it?—A. I do not remember whether it was just suggested or just merely talked about; I do not know.

Q. Did you and Simon Lake talk about it?—A. Not to my knowledge; I do not think so.

Q. Well, "to your knowledge," did you talk about it, whether it is to your knowledge or not?—A. No.

Q. Did you and Simon Lake talk about it?—A. I do not think so.

Q. With whom did you talk then?—A. I do not know with anybody specifically; I doubt whether there was any such action taken.

Q. Did you talk about taking it?—A. I think that it has been mentioned that there has been some such talk, but I do not know by whom or where I heard it.

Q. Among officials of the Lake Torpedo Boat Company?—A. No; I do not think it was.

Q. Just somebody outside, operating in your behalf without your knowledge?—A. I do not know.

Q. You did have some talk about this, though, about introducing such a resolution in the Connecticut legislature, did you not?—A. No specific action, as I know of, was taken.

Q. Well, now, no specific action; did you talk about it?—A. I think it was possibly suggested; I do not think there was any action taken.

Q. Who suggested it?—A. I do not know.

Q. Simon Lake?—A. I think not. I do not think he was here.

Q. Wallace?—A. I do not know that he did.
Q. Clement Adams?—A. No.
Q. Any other stockholder of the company or director?—A. I do not know about that.
Q. Did you suggest it?—A. I don't think I did.
Q. Don't you know whether you did or not?—A. I do not.
Q. Don't you know whether you did or not?—A. No.
Q. Don't know whether you suggested it or not?—A. No.
Q. You say there was some talk of an investigation in Congress, some time before this year?—A. Somewhere about that time there was a resolution, I think, introduced in Congress to have an investigation by the Naval Committee, which I think was had.
Q. That is what you call the Lessler investigation?—A. No; after that, I think.
Q. Now, what part did you people take in that?—A. I was not here at that time.
Q. Where were you?—A. I was at Bridgeport and hadn't anything to do with the Washington end at all.
Q. What did you have to do with the investigating resolution?—A. Nothing at that time; I would not have known it; I was not vice-president of the company at that time, and had nothing to do with the management.
Q. Were you a stockholder?—A. I was a stockholder; but those matters were not brought up before the stockholders.
Q. Were you a director?—A. Yes.
Q. Did you hear anybody talk about it at Bridgeport?—A. No; that was a resolution put in by Mr. Hill, I think, and I think an investigation was ordered by the House Naval Committee, if I remember rightly; I do not know anything about that.
Q. This is Mr. Littleton's next question: Did you not have conversations with Senator Platt and Congressman Hill of Connecticut in reference to such a resolution?—A. I had a conversation with Mr. Platt and Mr. Hill, but I do not remember the subject of the conversation.
Q. Where did you have such a conversation?—A. That was at Washington, I think.
Q. When?—A. I do not know. It was before his death, just before his death. I think he was sick at the time.
Q. What did you say to him?—A. I think that the main thing that was said to him was I think we wanted him to go to see the Secretary.
Q. Secretary of what?—A. Secretary of the Navy.
Q. What about?—A. Awarding the contracts on the other boats in 1904 appropriation.
Q. But what did you talk to him about the resolution for investigation?—A. I do not know that I ever mentioned the resolution to him. I do not remember anything about it.
Q. You do not remember whether you did or not?—A. No.
Q. Did you mention it to Mr. Hill?—A. I do not remember.
Q. You are not prepared to swear you did not? And to Senator Platt?—A. No; I would not, four years back.
Q. It is a matter of such little importance you would not know anything about it?—A. It was simply a suggestion, if it was made, that is all.

Q. This is Mr. Littleton's next question: Did not the Lake people at one time seriously consider the question of forcing the submarine scandal on the floor of the House?—A. That is what a resolution like that would probably have done, would have been intended to have done at least.

Q. When was this?—A. At that time, I presume, 1904.

Q. At the time you saw Senator Platt?—A. I do not think that was mentioned to Senator Platt, to my knowledge.

Q. Was this at the time of the conversation before you went to Hot Springs?—A. No.

Q. When was this?—A. Two or three years ago, 1904 it must have been.

Q. You did consider it at that time?—A. I presume that that resolution which was offered would probably have that in view; I don't know.

Q. Who prepared the resolution in that case?—A. That I do not know.

Q. You do know that it was prepared by the Lake people, some of them, or your counsel, was it not?—A. Probably it was.

Q. As a matter of fact, it was, wasn't it?—A. I think that was prepared by Mr. Simon Lake, probably; it is merely writing a letter to Mr. Hill on that line; that is all there was to it; it was never presented and I do not know that it was put in the form of a resolution.

Q. Were you not earnestly requested not to force the submarine scandal upon the floor of the House?—A. Well, I have been requested not to do that, or advised against doing that.

Q. Who requested you not to do it?—A. Well, I don't know as I was hardly requested not to do it; I was advised not to do it; that it would be poor judgment to do it.

Q. Who advised you?—A. I think Mr. Hill said it would be poor judgment and advised against it; I do not think that he requested not to do it.

Q. At that time you were not in favor of doing it?—A. It was suggested doing it.

Q. You suggested doing it?—A. No; I think that was suggested, possibly, by a letter to him.

Q. The letter did not write itself?—A. I think that was written, possibly, by Mr. Simon Lake.

Q. You and Simon Lake had discussed it together repeatedly and your views were in harmony at that time, were they not? You and Mr. Simon Lake had no disagreement upon this point at that time?—A. No; I don't know that we had. If I had anything to do with it, it was after Mr. Simon Lake went away.

Q. This is Mr. Littleton's next question: What did you mean in your letter to the President of March 31, 1905, in saying—this is quoted from your letter—"the Lake people were earnestly requested not to force the submarine scandal upon the floor of the House, because it would have killed the naval programme." Do you remember your saying that in your letter to the President?—A. I remember my letter to the President; I don't know just exactly what was said in that.

Q. You do not deny that it was in?—A. Yes; well, it may have been in the way of a request or an advisement, as I said Mr. Hill advised against our doing that.

Q. Who else advised against it?—A. I do not recollect.

Q. Did not Senator Platt?—A. I do not recall about that. Senator Platt was very sick at the time and we did not talk to him but a very few minutes.

Q. Now, here is a copy of your letter to the President; it has been offered in evidence here, at page 397 of the record of the hearings in this case, in which you say: "The Lake people were earnestly requested not to force the submarine scandal on the floor of the House, because it would have killed the naval programme. I was sure the Department would right its own wrongs to Simon Lake." You wrote that letter and signed it, didn't you?—A. I signed it; yes.

Q. Who prepared it?—A. Well, it was prepared by a man—Mr. Whitney. He was the representative of the company here at that time.

Q. Who?—A. Mr. Whitney. Mr. Whitney was acting in the interests of the Lake Torpedo Boat Company at Washington.

Q. It is dated March 31, 1905. Now, how long had Mr. Whitney been in the employ of your company at that time?—A. Probably a year or more—probably a year.

Q. Who employed him?—A. The Lake Torpedo Boat Company, he was employed at that time for the Lake Torpedo Boat Company.

Q. But what particular officer of the boat company employed him?—A. He was employed by Mr. Simon Lake, president of the company.

Q. He prepared that letter and you signed it?—A. Yes.

Q. You read it before you signed it?—A. Yes.

Q. Now, Mr. Lake, upon reflection and consideration of the whole subject and the matters concerning which you testify, you swear before us that before going to Hot Springs you had not heard discussed a resolution of investigation to be offered in this Congress?—A. Yes.

Q. Or the offering of which was under consideration?—A. Under consideration or contemplated. I know no such offering to be offered.

Q. Did you not see or hear mentioned a form of resolution, whether it was to be offered or not?—A. No, sir.

Q. You are very positive about that?—A. Yes.

Q. Heard no particular form of resolution discussed and saw no particular form of resolution?—A. No, sir.

By Mr. STEVENS:

Q. When did you leave Washington for Hot Springs?—A. February 14.

Q. How long before that were you in Washington?—A. I had been in Washington practically all winter.

Q. While you were in Washington, just previous to February 14, were you about an office in the Colorado Building?—A. I was about there, but without any mingling with the affairs of the company.

Q. Did you notice what was going on in the office at the time?—A. No; not particularly, unless something was called to my attention.

Q. Did you talk to Mr. Neff and anybody else who was there in the office at the time?—A. Yes, sir; I heard general conversation with Mr. Neff.

Q. Did they talk with you about the business of the company at the time? —A. No; in a general way, because Mr. Simon Lake was then at the head of the company and I was retired with the understanding that I was to take a vacation, and after the contract—in fact, before the contract—Mr. Simon Lake came here, and I did not go to see the Secretary of the Navy, nor any of the officers of the Navy. He went to see those. Previous to that I had been to see the Secretary with Mr. Thurston, and after that I never went to see them and had nothing to do either with the signing of the contract or the negotiations before the contract after Mr. Simon Lake came.

Q. But could any conversation have been had or could anything have been done in connection with the company's work at that time on your typewriters or with your office force and you not know anything about it?—A. Oh, yes. It might have been done, because it was understood that I was to retire from it, and I just simply gave the matters over to him, and I did not even attend the conferences with Mr. Thurston, or anything of the kind. I simply retired from the whole affair; when Mr. Simon Lake came, he took charge; as I say, I did not go to see the Secretary after Mr. Simon Lake came here, did not attend conferences in regard to the contract or the conditions. I did not know anything that was to go before the legislature or that came before the legislature, and that was why I could go away without considering whether I was here or there, because they had nothing that would necessarily call me up while Mr. Simon Lake was here.

Q. But you had conversations with them about that time concerning legislation pending in Congress, did you not?—A. Possibly generally, but I had no interest in it; I did not know what they were going to do or anything about it.

Q. You had some conversations with Mr. Simon Lake or Mr. Neff or Mr. Thurston, in which they objected to the form of the legislation that was then pending before the House Committee on Naval Affairs?—A. I do not think there was anything pending before the House at the time I retired. I do not think the bill was introduced.

Q. You mean the bill had not reached the committee?—A. I hardly think it had, at least I did not discuss those questions so far as I was concerned, because I did not expect to have anything to do with it.

Q. Did you not learn from them that they were rather solicitous about the form of legislation before the House Committee on Naval Affairs?—A. Yes; I heard them talk that they wanted open legislation.

Q. And that they proposed to take means to secure open legislation; did you hear that?—A. I have heard it discussed that they were going to request open legislation.

Q. Preparing a campaign for hearings and other things for open legislation?—A. I do not know anything about any hearings, anything of that kind.

Q. You did not hear that?—A. No, sir.

Q. Do you not know of work that was being done before Congress in the way of preparing postal cards and printed matter and other things?—A. No, sir.

Q. Seeing some of that matter at the office before you left?—A. No, sir.

Q. You did not see any of it?—A. I received, I think, one postal card when I was at the Hot Springs. I do not know anything about who sent it.

Q. Mr. Simon Lake was here in the city the time the contract was signed?—A. Yes, sir; he signed the contract.

Q. And you were here?—A. I was here at the time the contract was signed, but I had no communication or part or parcel in making the contract, or in making the terms of the contract.

Q. You stayed here?—A. Simply because I was under contract to stay here to keep apartments I had, and I was fixing up to get away, which I did as soon as I could get away.

Q. Did you not know that there was some arrangement being considered with a view to influencing Congress to have open bids, as you call them, for submarines?—A. I think I heard that discussed. We wanted to get that; yes.

Q. And all of you were engaged in doing whatever you could in furthering that view?—A. No; I took no active part in that preparation of anything of that kind and had nothing whatever to do with it.

The CHAIRMAN. If there are no other questions to be asked of this witness, that is all that will be required of him. You may consider yourself discharged.

Representative Lilley was requested to come here at 11.30, and he left word that he would come as soon as the vote would be had on the amendment relating to submarines on the naval bill. As he is not here, I presume that is still under consideration. Will the secretary request him to be present at the hearing of the committee at 10 o'clock to-morrow morning? The committee will stand in recess until that hour.

(Thereupon the committee adjourned until to-morrow, Friday, April 17, 1908, at 10 o'clock, a. m.)

HOUSE OF REPRESENTATIVES,
Friday, April 17, 1908.

The committee met at 10.30 o'clock a. m.

All members of the committee were present except Mr. Broussard.

The CHAIRMAN. The committee will be in order.

TESTIMONY OF M. E. MATLACK.

M. E. MATLACK, being first duly sworn, upon being examined, testified as follows:

By the CHAIRMAN:

Q. What is your name, please?—A. M. E. Matlack.

Q. You are the file, bill, and printing clerk of the House?—A. Yes, sir.

Q. Pursuant to the resolution of this committee, have you the original bill and resolution introduced by Representative Lilley, of Connecticut?—A. I have.

Q. Will you produce them, please?

(Papers handed to the chairman.)

TESTIMONY OF BENJAMIN WEBSTER.

BENJAMIN WEBSTER, being first duly sworn, upon being examined, testified as follows:

The CHAIRMAN. Will Mr. Olmsted ask Mr. Webster a few questions?

By Mr. OLMSTED:

Q. Mr. Webster, where do you live?—A. Waterbury, Conn.

Q. You are spending the winter in Washington?—A. Yes, sir.

Q. In what capacity?—A. Secretary to Mr. Lilley.

Q. How long have you been such secretary?—A. Since July 1, 1907.

Q. What were you engaged in prior to that time?—A. As a student.

Q. Where?—A. Yale College.

Q. Was your home in Waterbury prior to that time?—A. Always has been in Waterbury.

Q. What other occupation have you now except that of secretary?—A. I have been studying law at Georgetown University.

Q. Have you been doing work of any other character?—A. No; I have written for magazines occasionally—a few articles. I have not done anything of the kind since Christmas, however.

Q. What magazines did you write for?—A. Some advertising magazine in Cincinnati. I believe I wrote a little more. It is an article on socialism, was the last one I wrote.

Q. Advertising socialism?—A. As far as I understand this magazine, the general policy is to get articles of general interest to its readers.

Q. On what subject did you contribute articles?—A. That is the only one I have written for them.

Q. What was that on?—A. On socialism, sir.

Q. Is that the only article you wrote for that magazine?—A. As I remember it; yes, sir. I do not know; there may have been two or three jokes, or attempts at jokes.

Q. You are not a socialist, are you?—A. I do not know, sir.

Q. Are you or are you not?—A. I do not know what socialism is, to tell the truth.

Q. You are like a good many writers on some subjects. Have you ever voted a socialistic ticket?—A. No, sir.

Q. What other magazines did you write for?—A. I could not say. I do not remember. I sent out stories—a few little jokes I have sent, written up. It did not amount to anything; nothing special in it.

Q. Did you write on any specific subject?—A. No, sir.

Q. Not been writing on the submarine subject?—A. No, sir.

Q. Have you written anything for any newspapers?—A. I have sent the home paper a few letters.

Q. Upon what subject?—A. On the Jim Crow laws, a new experience to me. It was the first subject.

Q. Much interest in that in Waterbury?—A. I thought there would be.

Q. You said home paper. Do you mean Waterbury papers?—A. The city editors of the American are personal acquaintances of mine. I wrote them some letters.

Q. Waterbury American?—A. Waterbury American.

Q. Any other papers in Connecticut?—A. No, sir.

Q. Did you write any Washington dispatches for any of the papers in Connecticut?—A. No, sir; I have never done any newspaper work of any kind.

Q. What other articles did you write for the Waterbury American?—A. I have written several letters to the city editor.

Q. Who are the Connecticut newspaper men here in the city?—A. I think Mr. Spencer and Mr. Wallmo represent the most of the Connecticut papers. I believe they have generally the newspapers; they send out Washington dispatches.

Q. Who represents the Waterbury paper?—A. I believe that it is the partnership of Mr. Spencer and Mr. Wallmo represent the Waterbury paper.

Q. Did you furnish them with any information for publication?—A. I have discussed different things with them. I have never given them any thing in the way of a prepared article.

Q. Just told them things?—A. Told them things.

Q. Where did you get the information you gave them?—A. Just general conversation.

Q. With whom?—A. Various friends around the Capitol.

Q. Who are they?—A. I do not know that I remember any specific conversations which I have had which have offered material for any article.

Q. Did you talk with them about submarine matters?—A. I do not remember any conversation in regard to submarine matters unless it has been facts that have come to my knowledge.

Q. What facts came to your knowledge?—A. In reference to the excess profit of the Electric Boat Company, past and in the future, $3,000,000; I gave them that information at the time, I believe.

Q. Did you tell either of those gentlemen that there has been some evidence taken by this committee that had not been printed in the record or had been suppressed in any way?—A. I do not remember that I have.

Q. I wish you would refresh your memory and see if you did not.—A. It is possible that I made that remark, but I could not say definitely whether I did or not.

Q. Is it probable that you did?—A. No; I would not say that it was probable, because I do not recollect.

Q. Well, you did make it, now, did you not?—A. I believe so.

Q. Now, if it is a fact that the evidence is all printed up to this date, at least as far as the printer could get with it, what evidence is there that has been suppressed; what do you mean by that?—A. I do not know that I used the word "suppressed."

Q. Well, unprinted, then.—A. As I understand, Mr. Early gave some testimony which was not printed in the record. Several newspaper men asked me about it and expressed surprise that it was not in the record. It came to my knowledge through them first. A great many newspaper men have called in the office and asked for copies; they naturally asked Mr. Lilley for copies of the hearings.

Q. Why did they go to Mr. Lilley for copies of the hearings?—A. Because it was advertised as the Lilley investigation, I suppose. That is what it was talked about around the street.

Q. Well, now, newspaper men came to the office, then, pretty frequently, did they not?—A. Yes; a good many newspaper men have been in.

Q. When they came you gave them information?—A. If I thought it was proper, anything I had and they wished.

Q. If you thought it was proper?—A. Yes, sir.

Q. Where did you get the information that you gave them?—A. As I said, these copies of hearings mostly was the information I gave to them. I usually got copies of the hearings as soon as they were printed.

Q. They generally came up from the printer about two days late?—A. My knowledge of the case has always been two days late, then.

Q. You do not mean to say that when the newspaper men have access to the record right here in the committee room that they would wait two days to go down to your office to get it?—A. No, sir; I do not make any statement of the kind.

Q. Then from time to time you gave them typewritten matter, did you not?—A. I do not remember any such.

Q. Try to refresh your memory a little bit.—A. No, sir; I never recall having given them typewritten matter.

Q. You do not recollect having handed newspaper men any typewritten matter?—A. No, sir.

Q. Do you say now that you never have handed newspaper men any typewritten matter?—A. I would not say that at all, because that has been extra to my work and things have come along crowded from time to time. I do not remember definitely such incidents. I would have made memoranda if the committee had wished at the time.

Q. We do not want memoranda; we would like a statement now.—A. Well, I do not recall.

Q. Are you willing to swear that you have not given any newspaper men in Washington or handed them any typewritten matter whatever relating to this investigation?—A. No, sir; I would not be willing to swear that; I would swear to the best of my memory. I would not make any positive oath that I have not.

Q. You have made a good many statements to them?—A. When newspaper men have come in they have asked my opinion of different things, and I have told them what I thought.

Q. They were very glad to get your opinion?—A. I do not know that their desire was to get anything but information.

Q. Did you give them Mr. Lilley's opinion also?—A. I do not know that I have.

Q. Well, now, do you see that gentleman right there, that good-looking gentleman with glasses [referring to Mr. James Hay]?—A. Yes, sir.

Q. Did you ever hand him an envelope with typewritten matter in it or not?—A. I do not remember.

Q. Did you ever leave it as his office?—A. I do not know.

Q. Did you ever telephone to him——A. If you will tell me where his office is——

Q. You are telling me things; I am not telling you.—A. I do not remember ever having seen the gentleman in our office.

Q. I didn't ask you whether you saw him in your office.—A. I do not remember ever having telephoned to him.

Q. Do you remember ever leaving a paper for anybody?—A. No, sir.
Q. Typewritten matter?—A. No, sir.
Q. You say positively now that you never did?—A. I could not say that.
Q. Do you say positively that you have not given typewritten matter to correspondents for Connecticut newspapers?—A. I have given typewritten matter to correspondents of Connecticut newspapers, but I understood you in reference to the submarine investigation.
Q. Have you given any typewritten matter, then, in reference to submarine investigations, or any affidavits, or any evidence before this committee?—A. I may have had copies of affidavits in the office that were called for. I can not remember any specific instance that I handed any to anyone that I would be willing to swear that I gave a certain man any.
Q. Did you ever make copies of affidavits?—A. Either I or the typewriter there.
Q. Who is the typewriter?—A. Miss Keliher.
Q. Then you did have some papers copied, and you did give them out, did you?—A. When newspaper men called for them they may have got them; I do not remember definitely. I could not swear that I gave to a certain man any certain copy.
Q. You are beginning to remember that you did give some man some copies of typewritten papers?—A. I have a recollection of having made copies of certain affidavits which were asked for; I believe the Associated Press got copies of some affidavits.
Q. How did the Associated Press know that there were such affidavits?—A. I do not remember anything except that they came in and asked for the affidavits.
Q. Who came in?—A. Mr. Sayford and this gentleman over here have been to our office several times.
Q. And asked you for certain specific affidavits, did they not?—A. I do not remember the subject of the conversation.
Q. Whose affidavits were they?—A. I made copies of most affidavits that came to this committee. I could not say what ones I handed out and what ones I have not.
Q. What affidavits have you copied?—A. I do not remember, if you put it positively that way. If I saw the affidavits, I could probably say whether I copied them.
Q. Do you not remember any particular affidavits you copied?—A. Not at this moment; I can not give you the names.
Q. Not a single one?—A. No, sir.
Q. This all occurred within a few weeks?—A. Yes, sir.
Q. Where did you get the affidavits?—A. The affidavits Mr. Lilley brought in.
Q. Did he tell you to make copies of them?—A. Yes, sir; I believe so.
Q. Did he authorize you to give copies to the newspapers?—A. One or two of them—I believe he made that specific statement.
Q. What ones?—A. I do not remember the names of any of the affidavits. If you give me the names I could probably identify them.
Q. Do you expect me to be a mind reader, if you can not remember the names that you copied a few weeks ago?—A. I do not remember that I copied it; the typewriter may have copied it.

Q. You do not remember whether you copied any?—A. I probably have.

Q. What ones did you copy?—A. I do not remember.

Q. Did you copy any that you have not given out?—A. Not that I know of.

Q. Now, did you not call up newspaper men by telephone and tell them that you had something for them?—A. I do not remember any such incident.

Q. Not a single incident of that kind?—A. No, sir.

Q. Neither a Connecticut newspaper man nor anybody else?—A. Mr. Wallmo has called me up and asked me for things from time to time; he may have asked me if we had anything, and I may have told him to come around later; something of that kind.

Q. Did you ever call him up?—A. Do you mean on my own initiative?

Q. I do not care whose initiative that was; did you call him up?—A. I called him up, Mr. Wallmo, a good many times; yes, sir.

Q. At whose initiative was it?—A. Well, Mr. Wallmo asked me if we had any news. He comes around once or twice a day, perhaps, with Mr. Spencer. I would tell him to come in later, and he asked me to let him know when I had it ready, and I would call him up.

Q. You did call him up and tell him you had something?—A. Yes; I probably did.

Q. Why was it that you did not remember anything of the kind at all? Now, I will ask you more specifically about Mr. Hay. Did not Mr. Hay call you up or you call him up?—A. Who is Mr. Hay, may I ask?

Q. Mr. Hay is correspondent of the Washington Times. A. I do not remember having seen Mr. Hay in our office.

Q. I did not ask you whether he was in your office. Did you leave some papers for him in an envelope and tell him he would get it if he would come to your office?—A. I do not remember; I may have done it, but I do not remember the time.

Q. Do you remember one time that this committee took a recess until Tuesday, March 31? Now, to change the subject, Mr. Lilley went on to Connecticut at that time, did he not? Do you remember when he returned?—A. I think it was Tuesday or Wednesday morning—will you tell me the day of the week of March 31?

Q. March 19 was Thursday.—A. I remember Mr. Lilley's being away one time for three or four days.

Q. That is the time; we put the hearing over a little later on his account. Now I will ask you if you do not remember while Mr. Lilley was absent you gave out some matter?—A. Yes; I do recall.

Q. What was it?—A. There were certain exhibits that were in the District court, which I secured copies of, in the local courts. I believe in the case of Senator M. C. Butler—Shelly, Butler & Martin. I do not remember the other part of the case. There were certain exhibits and testimony which had been sworn to, as I understood, and admitted as evidence.

Q. Admitted as evidence where?—A. In that case, showing that Senator Butler had received $12,266.66, I believe, from the Electric Boat Company or the Holland Boat Company, and he had taken the check, as I understood it, and cashed it, and the other two members of the firm had never received their share, and they were filing a

complaint and suing to recover what they were claiming was their portion of that remuneration from the Electric or the Holland Boat Company.

Q. Who told you about that case?—A. I do not remember; I think Mr. Fahy, of the Times, told me.

Q. How do you spell that name?—A. F-a-h-y.

Q. What Times?—A. Washington Times.

Q. Who told you about the case?—A. I could not say definitely. I remember his mentioning the case; I do not know whether he was the first one or not.

Q. Did he mention it to you or you to him?—A. He mentioned it to me.

Q. Who else told you about the case?—A. I do not remember how the case first came to my knowledge.

Q. Who told you about it at all at any time?—A. I believe that I got the information somewhere that this case was pending before the District court and that there was some stuff in it relative to Mr. Butler.

Q. Where did you get that information?—A. I do not remember where it did come from.

Q. You can remember somebody from whom you got it?—A. I know I talked with the attorney, the attorney was Mr. Poe. He had the case in charge.

Q. How long have you known Mr. Poe?—A. He was the one I was directed to.

Q. Who directed you to him?—A. I do not remember.

Q. How was it that you remembered Mr. Poe and do not remember the name of the man who directed you to him?—A. Because I went and saw Mr. Poe. The name struck me as being similar to Edgar Allan Poe. That is the way.

Q. Can't you remember some literary character whose name reminds you of the name of the man who directed you to the man whose name resembles Edgar Allan Poe?—A. He said his firm was trying the case.

Q. Who said so?—A. I do not remember whether it was Mr. Fahy, or not. I do not know whether he learned in the Times office that this case was there or where he got the information.

Q. I am not asking where he got the information. I am trying to find out where you got it.—A. I remember Mr. Fahy gave it to me.

Q. Where?—A. In our office, I believe.

Q. How long have you known Mr. Fahy?—A. Since last November; I believe it was the 1st of December.

Q. How did you come to meet him then?—A. He walked into our office in the Capitol and inquired for news, said he was looking for any news; wanted to know if I could give him any stories.

Q. On what subject?—A. He did not seem to know at that time what he did want.

Q. Was your office sort of a news center?—A. As far as I know, he was going around looking over the Capitol. Mr. Fahy was acquainted with some newspaper men in Waterbury, and I suppose he had come around to call incidentally.

Q. Who is the man in Waterbury; do you happen to remember his name?—A. I think Mr. Fahy is a cousin of Mr. Chapin, of the Waterbury American.

Q. He writes for the Waterbury American?—A. If I understand it, Mr. Spencer and Mr. Wallmo have the exclusive business for the Waterbury American here.

Q. Then it was not for the Waterbury American?—A. I believe Mr. Fahy is correspondent for the Journal and Courier of New Haven, Conn., and some Boston papers.

Q. Who is the correspondent of the Waterbury Republican?—A. I do not know, unless they subscribe to some press bureau—Associated Press.

Q. Do you know whether they do or not?—A. No, sir.

Q. Did you ever write for them?—A. Not to my knowledge.

Q. Not to your knowledge?—A. No, sir; I never wrote for them.

Q. Have you written unconsciously for them?—A. No, sir.

Q. Mr. Fahy, you say, did write for some Connecticut paper?—A. He is the correspondent of the Journal and Courier, I understand; I am not certain.

Q. Then the other two gentlemen do not, as you indicated a while ago, have a monopoly of the Connecticut papers?—A. I believe I referred to the Waterbury American when I said monopoly. There is another one in Hartford I forgot to mention, Mr. Hallan.

Q. Any more?—A. Not that I know of.

Q. Any Connecticut newspaper men in the room at present?—A. Here is Mr. Spencer.

Q. What paper does he represent?—A. I only know the Waterbury American.

Q. He is the Mr. Spencer whom you have spoken about?—A. He is the Mr. Spencer.

Q. What information did you furnish Mr. Spencer?—A. He has been almost a daily visitor at the room. I could not say what information I have given him. I do not remember whether he has had copies of these affidavits; but if any newspaper men have had, then he has probably gotten copies of the affidavits, any affidavits that newspaper men have had.

Q. You gave him all the information you had when he came for it, did you not?—A. I do not know what you mean by that question.

Q. It is a very plain question.—A. I gave him certain information. If I had a copy of the affidavit and it had been submitted to the committee, he was perfectly welcome to the copy, if I had a carbon copy.

Q. You gave it out sometimes before it came to the committee, too, did you not?—A. As I understand, in the case of these affidavits before the District court, they have never been submitted to the committee. I know of no other affidavit or anything that has been given to the public before it came to the committee.

Q. Then you did give that to Mr. Hay while Mr. Lilley was away?—A. I do not know Mr. Hay.

Q. I do not care whether you know him; you left that in an envelope for him?—A. Not that I know of.

Q. What did you mean a litttle while ago, then? Whom did you give it to?—A. This Associated Press man, as I remember it.

Q. Did not give it to anyone else?—A. I do not recall having given it.

Q. Let us go back to Mr. Fahy. It was upon Mr. Fahy's direction you went to see Mr. Poe?—A. I do not remember.

Q. What?—A. I think so; I could not be positive as to that.

Q. Who else gave you direction on the subject?—A. I do not remember any.

Q. Whom else did you talk with on the subject?—A. I do not remember. I went to the District court and saw the clerk, who at first could not locate it; he said the case was pending and it was before the justice; I would have to wait and see Mr. Lemon, the assistant clerk.

Q. Let us recall the conversation before you went there.—A. I do not remember the conversation.

Q. Never talked to anybody about it but Mr. Fahy?—A. I do not remember any person having any conversation at all in reference to exhibits except Mr. Fahy.

Q. Why should you, a Congressman's secretary, be bothering yourself about the court records in Washington?—A. I had read Mr. Butler's testimony, and it seemed to me that that point sort of upset Mr. Butler's testimony. He had testified under oath only nine or ten months ago that these exhibits and affidavits were entirely forgotten by him at the time he testified; they were entirely forgotten. He admitted them all eight or nine months ago, the items and everything, the exhibits. It seemed to me very strange that he could not remember those when they had been such an important point in the case pending that he had matter of charge of $12,000; it seemed to me he ought to remember those in the testimony.

Q. That is quite a liberal number of things that you think Mr. Butler ought to have remembered after a lapse of nine months. Will you try to remember something that occurred within a shorter period, namely, the conversation of different people which led you to go to the court records to examine them?—A. I do not recall any others beside Mr. Fahy.

Q. Did you ever talk to Mr. Lilley about it?—A. I do not remember any conversation before he returned.

Q. Before he returned or after he returned, what conversation did you have?—A. Well, he reprimanded me after his return for having let that go to the press.

Q. Did he discharge you?—A. No, sir.

Q. What did he say to you before he went away?—A. In reference to giving news to the press?

Q. With reference to giving this information in this case?—A. I do not remember that he said anything.

Q. Try to remember.—A. I do not remember having a conversation with regard to that before his return.

Q. When did you and Mr. Fahy have this talk about it?—A. You say he left on Thursday——

Q. I am not talking about Mr. Lilley, I am talking about Mr. Fahy.—A. I understood you to say Mr. Lilley left on Thursday, March 19; I do not remember the dates except as you have given them to me; perhaps it was Friday or Saturday.

Q. Perhaps it was and perhaps it was not. I want to find out when it was.—A. I do not remember which date it was.

Q. Before Mr. Lilley went away?—A. After he went away.

Q. When did Mr. Butler testify?—A. I do not know.

Q. Did you not know that Mr. Butler testified before you went to the court record?—A. No; I did not.

Q. How do you know whether he did or not?—A. I know I had read his testimony in the newspapers before I went there.

Q. When did you read it?—A. I do not remember.

Q. What paper?—A. I do not remember what paper, I remember his testimony preceding.

Q. I will give you something else to gauge by. How long after Mr. Butler testified was it that Mr. Fahy told you this?—A. I have just stated that I do not remember the date of Mr. Butler's testimony at all, except as it came to my attention in the printed reports.

Q. What sort of printed report, then, when did you read it?—A. I haven't it before me; I can not tell.

Q. Now, do you think it is singular Mr. Butler should not, nine months ago?—A. That is a case of Mr. Butler's that is still pending.

Q. This investigation is still pending, and you are still pending, and you can not remember things that happened three or four weeks ago?—A. I did not expect to be subpœnaed as a witness or I would have made memoranda.

Q. That does not make any difference in your telling us the whole truth?—A. It would assist my memory if I would put down memoranda of things.

Q. Don't you know that if you had a conversation with Mr. Fahy at all it was before Mr. Lilley went away?—A. No, sir; I know nothing of the kind.

Q. How do you remember that, then?—A. I can simply gather from the information that you have given me that Mr. Lilley went away and Senator Butler's testimony which came out; it must have been after Mr. Lilley went away. You said that he went away on Thursday, as I remember it, and I gave the Associated Press man these exhibits on the following Monday or Tuesday; I think it was Monday morning I gave them, and it was a day or two before that I got the information and looked up the matter.

Q. By whose orders? By whose orders did you give them to the newspapers?—A. I have just said it was on my own initiative; Mr. Lilley reprimanded me for having done it.

Q. To whom else did you talk about it?—A. I do not remember.

Q. Try to remember.—A. I may have told other newspaper men about it; I do not know.

Q. You know Senator Thurston, do you not?—A. I had the pleasure of meeting him.

Q. Did he not tell you anything about it?—A. No, sir.

Q. Never had any conversation with him on the subject?—A. No, sir.

Q. Either before or after the obtaining of the information from the court?—A. No, sir.

Q. Do you know Mr. Neff?—A. Yes.

Q. Ever have any conversation with him?—A. After Mr. Lilley's return I believe I met him one time, and he wanted to know why I had given those affidavits out.

Q. He waited until after Mr. Lilley's return before he asked you?—A. I do not remember those dates; Mr. Lilley may have come back twenty-four hours before or after Neff saw me; I can not remember; I can not place the dates.

Q. All you remember is that it was while Mr. Lilley was away?—A. It was while Mr. Lilley was away.

Q. How do you remember that and not remember anything else?—A. He has only been away twice, I believe, and I would naturally remember the fact that he was away, and that he reprimanded me after his return.

Q. In whose interests did you think you were giving that matter to the newspapers?—A. I thought in the interests of the investigation. Mr. Butler had come to the stand, and, as I understood it, these facts——

Q. So that your only motive was to assist in the investigation?—A. As I understand it, Mr. Lilley had initiated the investigation, and incidentally to assist him.

Q. Anybody else?—A. No, sir.

Q. Did it occur to you, incidentally, that the committee might be interested in having information bearing on the subject?—A. No, sir; that did not occur to me.

Q. Are you a stenographer?—A. No, sir.

Q. You are not a stenographer?—A. No, sir.

Q. Are you a typewriter?—A. Yes, sir.

Q. Are you a stenographer at all?—A. No, sir.

Q. What typewriter work have you done with reference to this investigation?—A. I believe I typewrote the original resolution, and perhaps some of the affidavits.

Q. You mean you made copies of them from the original?—A. Why, if there has been anything that Mr. Lilley wanted prepared at the time I was in the office I probably did it, but I can not remember what. Then I prepared some questions and data in Mr. Neff's office.

Q. In the Colorado Building?—A. Yes, sir.

Q. Yes; assisted Mr. Neff in getting them out, didn't you? What kind of a machine do you operate?—A. We have the Underwood typewriter.

Q. What do you mean by that?—A. Why, Mr. Lilley has an Underwood machine in his office at 216.

Q. That is the one you use in Mr. Lilley's office?—A. Yes, sir.

Q. Has he any at the hotel?—A. Not that I know of.

Q. Do you do any typewriting at the hotel?—A. I never have done any.

Q. You did assist Mr. Neff in his office?—A. Yes, sir.

Q. What kind of a typewriter did you use there?—A. I don't know. I think it is a Smith; I am not sure; it has the same keyboard.

Q. As what?—A. As I understand, there is a standard keyboard within two or three characters on machines that are on the market.

Q. Mr. Neff has only one kind of a machine in his office?—A. I do not remember whether he has—he has two machines; I don't remember the other kind. One he has laid aside.

Q. You wrote sometimes on one machine and sometimes on the other?—A. I think I have typewritten on both of them.

Q. When Mr. Lilley offered bills or resolutions, did you prepare or typewrite them?—A. I think I have.

Q. I show you a file of bills that the Clerk of the House has just left here, and ask you which ones you wrote?—A. It is my recollection I wrote all of these [referring to certain papers], and I am not certain as to these others.

Q. A bill granting an increase of pension to Lieut. Byron Bradford; a bill granting an increase of pension to Capt. George W. Child; a

bill granting an increase of pension to Henry M. Gaunt; a bill granting an increase of pension to Romanzo A. Nichols; a bill granting an increase of pension to Lydia E. Sherman——A. Just a minute. If you wish me to positively swear that I typewrote all those I can not do that. This is just my recollection.

Q. A bill granting an increase of pension to Anna Schneider; a bill granting an increase of pension to Andrew C. Barry; a bill granting an increase of pension to Edwin W. Braman; a bill granting an increase of pension to Michael Kavanaugh; a bill granting an increase of pension to Henry M. Prindle; a bill granting an increase of pension to John M. Gallagher; a bill granting an increase of pension to Francis Hoey; a paper entitled House resolution 255, introduced by Mr. Lilley for reference to Committee on Rules, being the resolution with reference to the investigation of the Electric Boat Company, etc.; a bill for the relief of Rose B. Armour; a bill granting a pension to soldiers and sailors who are incapacitated for the performance of manual labor and providing for pension to widows, minor children, and dependent parents; a bill granting an increase in pension to F. L. Bayliss; a bill granting an increase of pension to Dora K. Flaherty; a bill granting an increase of pension to Mary Spilane; a bill granting an increase of pension to James H. Sutherland; a bill granting an increase of pension to William H. Wilson; a bill granting an increase of pension to Charles C. Jones; a bill granting an increase of pension to Mary E. Pierce; a bill granting an increase of pension to Carlos Dart; a bill granting an increase of pension to John Fagin; a bill granting an increase of pension to Francis Bomaur; a bill granting an increase of pension to John G. Homan; a bill granting an increase of pension to James C. Jennings; a bill granting an increase of pension to Harry A. Willard; a bill granting an increase of pension to Benjamin Kelsey. Those you think you did the typewriting?—A. That is my recollection.

Q. What about those two others?—A. I do not recollect those.

Q. They are a bill to provide for the location of a public building at Winsted, Conn., and a bill for the location of a building at Naugatuck, Conn.?—A. I think those were undoubtedly some. I am not certain about that. I think they were in our desk from last year, except that one. This bill must have been kept over from last year; both of them kept over.

Q. They were bills kept over from last year, and you were the secretary then?—A. No, sir.

Q. Do you know who was the secretary at that time?—A. I don't know.

Q. Leaving House bills 4821 and 4822 out of the question, where did you do the typewriting on these other bills and resolutions?—A. Those look as though they had all been done on my Underwood machine.

Q. Where?—A. Capitol building; the new Office Building, I think.

Q. In your room? What is the number of it?—A. It is now 216.

Q. This House resolution 255 reads as follows:

Resolved, That a special committee of five Members of the House be appointed by the Speaker to investigate the conduct of the Electric Boat Company of New Jersey and their predecessor, the Holland Boat Company, respecting the methods employed by said company in connection with past and proposed legislation before Congress: *Provided*, That said committee may employ a stenographer and one clerk and is hereby authorized and empowered to send for persons and papers, to compel the attendance of

witnesses, and administer oaths, and that the expenses incurred hereunder shall be paid out of the contingent fund of the House, on vouchers prepared by the chairman of said committee: *Provided further*, That said committee shall report their findings to this House at such time as said investigation may have been concluded.

Q. When did you write that, Mr. Webster?—A. That was several days before it was put in. It was introduced on a Thursday, I believe. It was introduced two or three days after.

Q. February 20, 1908?—A. Introduced two or three days before; possibly that copy may have been written that morning, I do not remember what date that was.

Q. Did you make other copies?—A. As I remember it, Mr. Lilley changed the wording two or three times. I, of course, corrected the proof and the final copy I prepared to go into the House. I think that was made on Thursday morning, as I remember it.

Q. When did you first see a proof of a resolution of this character?—A. Mr. Lilley told me to draw up a resolution of that nature, outlining the types, and I did so.

Q. When did you do that?—A. As I remember it, he left for Connecticut and was gone two days. That was on the Friday or Saturday, the week before. It may possibly have been a little longer than that; perhaps about the 13th of February. Mr. Lilley outlined what he wanted, and said, "Draw up a resolution to that effect."

Q. You have had a great deal of experience in drawing resolutions, have you?—A. No, sir; I have not.

Q. This is the first one you ever drew?—A. I think it was; yes, sir. I went to the House document room and secured four or five copies of different resolutions. Mr. Lilley originally dictated it to the Committee on Naval Affairs, but he changed that; that was the change I believe. He preferred to change it so as to have it go to the Committee on Rules.

Q. When did he do that, before or after he went to Connecticut?—A. As I remember, when he returned from Connecticut, I had the resolution drawn up to refer to the Committee on Naval Affairs—that is, as he dictated it or outlined it to me.

Q. To whom did he dictate it?—A. To me.

Q. You are not a stenographer?—A. I can fill in incidental prepositions, and so forth. I took down what he wanted me to draw up.

Q. Took it stenographically?—A. No, sir; abbreviated English.

Q. Did you preserve your notes?—A. No, sir; they were just made on a piece of scrap paper.

Q. Did you preserve the scraps of paper?—A. No, sir; it never occurred to me that they would be wanted again; just cast them into the wastebasket.

Q. What kind of a resolution did Mr. Lilley tell you to draw?—A. As I remember it, he wanted a resolution to investigate the Holland Boat Company for reference to the Committee on Naval Affairs, and wanted me to get some bills that were precedents in the document room, and I got several. I remember one of them was one of Hobson's joint resolutions——

Q. One of what?—A. One of the resolutions I got there. I looked in the Congressional Record and found out what resolutions had been introduced and called for them to get the proper form.

Q. Is that the joint resolution, the one you prepared [handing resolution to witness]?—A. I also prepared a joint resolution at the same

time which Mr. Lilley introduced the other day. At that time he expected the naval bill to come up earlier, and also prepared a joint resolution to introduce to have the President appoint a commission.

Q. When was that?—A. That was at the same time; he outlined the two of them at the same time.

Q. What did he tell you he wanted to investigate about the Holland Boat Company or Electric Boat Company?—A. I had heard him in several conversations speak of the practices of these people—reprehensible practices.

Q. With whom was he talking in this conversation?—A. I believe a conversation in Waterbury on the subject with me.

Q. With whom?—A. With me.

Q. With whom else?—A. None others that I know of—that is, he may have mentioned it to others, but no one in my presence.

Q. He took your side and got your judgment on the matter?—A. No; he was giving me information, I suppose, of the way things were done down here.

Q. What did he tell you to provide that the resolution should investigate?—A. He said, "Make it go clear back so as to take in the Holland people," as I remembered it. He told me he did not know what time the merger took place of the Holland into the Electric Boat Company, and he told me to put in both companies, as I remember it, so as to be sure to cover both of them, because their improper practices ran back ten or twelve years, and he wanted to be sure to cover both companies.

Q. So that if he missed anything of recent date he would catch something farther back?—A. Well, I don't know what his purpose was, but that is as he dictated it to me

Q. What was the resolution to provide?—A. It was to provide, as I understood it, Mr. Lilley expected at that time—well, I don't know as he had any expectation at the time he had it for reference to the Committee on Naval Affairs he expected the Naval Affairs Committee to investigate it, or at least that is the way he gave it to me. He dictated and outlined the general plan to investigate the Holland and Electric Boat companies, their past methods and present methods in securing legislation, and it was after his return that he changed it and had it go to the Committee on Rules. That is, changed the reference and that changed the wording. I believe I had in the original draft referred it to the Committee on Naval Affairs.

Q. In the body of the draft?—A. In the body of the resolution, I believe, the Committee on Naval Affairs appeared somewhere.

Q. Then it was referred to the Committee on Naval Affairs?—A. Yes, sir.

Q. So that that one change in the body of the draft referring it, to be referred to the Committee on Rules, was not of your own motion?—A. Not at my own; no, sir. Mr. Lilley suggested that.

Q. So in redrafting the resolution you provided in the resolution it should go to the Committee on Rules instead of the Committee on Naval Affairs?—A. I believe is the change.

Q. And in drawing the final copy that is why in the resolution you referred to the Committee on Rules instead of the Committee on Naval Affairs?—A. Mr. Lilley made some corrections, as I remember it, in the rough draft and the result of the typewritten copy of corrections.

Q. I ask you the question whether that is the reason why in the final copy you provided in the resolution for the Committee on Rules instead of the Committee on Naval Affairs?—A. As I remember it, Mr. Lilley remarked he wanted that resolution reported and he did not think it would be in the Committtee on Naval Affairs, so he changed it.

Q. (Last question read as follows:) I ask you the question whether that is the reason why in the final copy you provided in the resolution for the Committee on Rules instead of the Committee on Naval Affairs?—A. Yes, sir.

Q. Did you preserve any of the earlier drafts of the resolution?—A. I don't know that there are any in the office. I probably tossed them into the wastebasket.

Q. Might you not be mistaken that you drew the one that was offered at all?—A. That resolution you have in your hand?

Q. Yes.—A. No, sir; I took it to the House myself, as I remember it now. I typewrote that and took it to the House about half past 1 on Thursday afternoon.

Q. Where did you typewrite it?—A. In room, as it is now called, 216, House Office Building.

Q. On what typewriter?—A. Underwood typewriter.

Q. The one that is there now?—A. Well, there has been a change. The time the clerk gave us new machines, we had a new machine put in. It was the same machine, same style, same type, and everything.

Q. When was the new machine put in?—A. I do not remember the date; some time since Christmas.

Q. Since February 20?—A. I could not say.

Q. Was the old machine worn out?—A. I believe it was pretty well worn.

Q. Is this made on the old machine or the new one?—A. I do not believe any type were broken; I could not say; the only way I can identify typewriting once in a while if the top of a "d" or "p" is broken off.

Q. Was it made on the same machine on which you typewrote the other bills and resolutions?—A. It is made on an Underwood No. 3 machine. It is either the one we have in our office to-day or the old one we had.

Q. What became of the old one?—A. We sent that to Waterbury. Those that were made before Christmas and dated, they were made on the other machine.

Q. What date did you send the machine to Waterbury?—A. I could not say that. That will probably show in the United States Express receipts.

Q. You think you wrote this on the same day it was offered, on the 20th?—A. That is my recollection; I am not certain about that copy. My recollection is that I wrote that final copy you have in your hand. If that is the one that was presented to the House, I wrote it an hour or two before it went in, on Thursday afternoon.

Q. I will call your attention to—here are the bills relating to pensions for John M. Gallagher, Henry M. Prindle, Edwin M. Braman, and Francis Hoey, all appear to have been offered on February 19, that is the date preceding the introduction of the resolution. You say they were written on the old or new machine?—A. I could not tell you the difference, the same color of ribbon and everything on the new machine.

Q. You can tell whether it is the old type; here is one introduced March 4.—A. That is undoubtedly written on the new machine, March 4. I think it was since the 1st of March; that is, I think on the 1st of March we had the new machine.

Q. When did you get it, then?—A. I think you can ascertain that from Mr. Browning. I think he has a record of it, the Underwood people. I sent down a sample of typewriting, the same ribbon and everything on the old machine.

Q. Sent it where?—A. To the Underwood people and asked them for the same machine, same style of type and ribbon.

Q. You sent it down to them?—A. On the order I submitted to Mr. Browning for the machine I sent this sample.

Q. When did you send that order?—A. I may have made a copy in the letter book; I do not remember the date. The Underwood people probably have a memorandum of that.

Q. Now, there are dates on those bills, introduced February 18—four, I think—February 19, and here is one March 4. That is both sides of February 20. Were they all written on the same machine?—A. I could not say. Of course we may have changed the ribbon.

Q. That would not change the machine?—A. I could not differentiate in the type.

Q. I am not asking you to differentiate in the type; I am asking you about which machine you wrote that on.—A. I could not tell.

Q. How often did you change machines in your office?—A. As I remember, I changed machines once; we received an additional machine.

Q. When was it?—A. I do not remember.

Q. Have you any way of finding out?—A. I have just said perhaps Mr. Browning would know; the Underwood people would probably know. They have a memorandum of the date they left the machine there and the date they sent their man in to change it.

Q. These are bills written on February 18?—A. I don't know whether they were written on February 18.

Q. These four bills that were offered on February 19, one bill offered February 18—four bills offered February 19 and one bill offered March 4—they were either written on your old machine or the new machine?—A. As I remember it, I have written all those bills on the machine we have in the desk. They were all written at the same desk, if I wrote the bills.

Q. They were written on the old machine, the one you gave in exchange?—A. Yes, sir.

Q. Then the resolution was written on one or the other of those machines?—A. Yes, sir.

Q. Then it was written on the same machine as some of these bills?—A. Yes, sir.

Q. The outside and inside of it was written at the same time on the same day?—A. As I remember, they were.

Q. On the same machine?—A. On the same machine.

Q. To whom else besides Mr. Lilley did you submit the form of the draft?—A. No one.

Q. With whom else did you talk about it?—A. Wednesday night, possibly, I may have mentioned the fact to Mr. Wallmo or Mr. Spencer that Mr. Lilley would submit a resolution, that he might go and get a story out of it.

Q. That was the day before?—A. Evening before.

Q. Evening before it was actually introduced? Did you speak to him earlier than that?—A. No, sir; I do not remember mentioning the fact to anyone.

Q. Were you in Connecticut with Mr. Lilley when he went home at that time?—A. No, sir; I have not been in Connecticut since the 1st of October.

Q. When he came back he suggested some changes in it?—A. Yes, sir.

Q. You are pretty sure that in the resolution as you originally prepared it it made mention of the Committee on Naval Affairs?—A. Yes, sir.

Q. And that it was in pursuance of the suggestion of Mr. Lilley and nobody else that in redrafting it and in writing the paper which went into the House, which we have here, the Naval Affairs Committee and the Committee on Rules inserted in the resolution in place of the Committee on Naval Affairs?—A. As much as I remember, he wrote it, but I may have written it in at his dictation.

Q. Then you had some draft submitted to you?—A. I secured printed copies of resolutions——

Q. No; I mean some rough draft submitted to you from which to prepare a resolution?—A. In the original?

Q. Yes.—A. No, sir; he just dictated what he wanted in the resolution.

Q. I thought you said when he came back from Connecticut——A. When he came back from Connecticut I submitted this resolution referring the matter to the Committee on Naval Affairs to him.

Q. Did he not have a draft then, when he got back from Connecticut, which he submitted to you?—A. No, sir.

Q. We want to be sure whether there were not some other forms of resolutions fully drafted and which you saw.—A. I never saw any such.

Q. This one is the only one finally, a completed one, that you know of?—A. Why, I may have made some carbon copies.

Q. That would just be copies of this?—A. Yes, sir.

Q. And you personally carried it into the House?—A. Yes, sir; I personally carried it into the House.

Q. About what time?—A. It was after 1 o'clock, I am certain. I do not remember the exact hour.

Q. What did you do with it?—A. I gave it to the Doorkeeper and asked him to hand it to a page to put in the basket.

Q. And you learned afterwards that it had been put in the basket?—A. Yes, sir.

Q. Where was Mr. Lilley at that time?—A. Mr. Lilley was in the office, I believe, when I left the office.

Q. Was he in the House that day?—A. I could not say.

Q. Did you leave any copies of this resolution with Mr. Lilley at the office?—A. I may have made carbon copies; I do not remember. We had the original that he had marked over.

Q. Will you produce one of those carbon copies?—A. I do not know whether I can. I can look in the office and see if there are any around, but I generally passed them away after they were printed.

Q. Did you throw them all away?—A. Yes, sir; I have thrown all the papers away as soon as the resolution was printed.

Q. You do not make extra copies just to throw away?—A. I usually make an extra carbon copy of anything to keep for reference.

Q. If you have kept it for reference, will you let us have it?—A. If I can find it.

Q. You gave them to the newspapers?—A. No, sir.

Q. You did not let anybody have copies?—A. I do not remember of letting anybody have——

Q. You would tell them in the evening before?—A. Mr. Wallmo got his resolution from the House, I understood.

Q. How early had you heard anything about that resolution?—A. As I recall it it was about a week before this Thursday; it may have been less than a week; it may have been eight or ten days, whether it was a day or a day before when Mr. Lilley left for Connecticut, he dictated and asked me to prepare it.

Q. Where did he go in Connecticut?—A. I don't know. I imagine to Waterbury.

Q. How long before that had he talked with you about such a resolution before or about an investigation?—A. I do not know that he ever mentioned an investigation.

Q. You say at the same time you prepared this resolution you also prepared a joint resolution?—A. Yes.

Q. Has that been offered in the House?—A. I believe Mr. Lilley presented it last Saturday on the floor of the House.

Q. He had it read in his time as a part of his remarks?—A. That is my understanding.

Q. Do you know whether it was actually offered in the House and put in the basket?—A. I believe a day or two after that I made another copy from the record and took it over. Mr. Lilley was not certain whether it had gone to the record or not as a resolution.

Q. That resolution you say was prepared at the same time this resolution calling for an investigation of the Electric Boat Company?—A. Practically at the same time, within a day or two.

Q. I thought you said at the same time?—A. I meant in a general way.

Q. A little while ago I thought you said the same day.—A. Well, I think it was the same day.

Q. Have you the original draft that you made of that?—A. I have not seen it; it may be down there somewhere among the old papers. I have cleaned them out and thrown them out two or three times.

Q. This is not an old paper, it is less than a month old.—A. As soon as they are submitted or printed——

Q. That was read last Saturday in the House, that is not very old.—A. That resolution, I think, he took with him, and the official stenographers may have it.

Q. Did he not bring it back with him?—A. No, sir; he left it with the stenographers, as I understood them. He submitted the resolution to the stenographers, and later it had occurred to him that it had not been put in the basket, and he asked me to make another copy from the record and have it put in the basket over there.

Q. Did you do so?—A. Yes, sir.

Q. On what day?—A. It was last Monday or Tuesday, as I remember it—Monday or perhaps Tuesday.

Q. What was to be done with that, to what committee was it to be sent?—A. It was to be referred to the Committee on Naval Affairs.

Q. What committee did it provide for? I mean what kind of a committee was to be appointed?—A. A commission, with two members, whose experience had been in large, industrial business affairs, and one retired chief of bureau, as I recall it.

Q. Three persons?—A. Three persons.

Q. That is all?—A. That is all of the commission.

Q. This resolution which you had put in the basket February 20, you said that you prepared or did the typewriting. Did you also typewrite the indorsement, or was that done by the Clerk of the House of Representatives?—A. For reference?

Q. Yes, introduced by Mr. Lilley?—A. I believe I typewrote it; I am not certain. It is my recollection I did, if that is the resolution presented in the House.

Q. That is the resolution, you have identified it yourself, and the Clerk identified it, and you said you had it put in the basket. I asked you the simple question, you having testified to having typewritten the inside of it, I ask you if you did it on the outside. There are some remarks in pen, "H. Res. 255," that I assume are the writing of the Clerk. I simply asked you about the typewriting, whether you did it or not.—A. It is perfectly possible for any of those words to be changed.

Q. Did you indorse that bill or didn't you?—A. To the best of my recollection, I typewrote those three lines there.

Q. It is very singular that you can remember everything about the resolution and all that, except something that we ask you about. You can go on for five minutes and give detail after detail.—A. Well, that made quite an impression on me, and the incidents following. But the rush of work came, though I have not remembered all the details.

Q. But your impression only extends on one side of the paper.—A. That is an immaterial thing on the outside, that I did not recollect. But I know the substance, and I remember having typewritten that resolution that went to the House that afternoon.

Q. Is this or not on the bill "Introduced by Mr. Lilley, for reference to the Committee on Rules?" Do you say that is unimportant?—A. As I understand it, I had it "Committee on Naval Affairs" on the other, and that was changed to make it "Committee on Rules." I don't say that was unimportant.

Q. That made enough impression upon you to testify about it three or four times, yet you could not remember whether you wrote it or not. Did you do it on the same machine as the inside?—A. Yes, sir.

Q. I will read you from a dispatch purported to come from Waterbury, Conn., February 20, commencing with this: "Those who have watched Congressman Lilley's attitude are not surprised at his attack on submarine methods. He had told close friends that he had been offered bribes by submarine-boat people, and that any fearless, honest man in Congress lived in constant jeopardy of attack of the submarine interests if not willing to yield to their blandishments." Did you write that?—A. No, sir.

Q. Did you make that statement to anybody?—A. No, sir.

Q. Did you give that information to anybody?—A. No, sir.

Q. Did you state it to anybody?—A. No, sir.

Q. The article further continues: "These interests, he says, have done more to corrupt Congress in ten years than any one agency. On one occasion in this city these people approached Mr. Lilley, it is known, and offered him a bribe that ran into five figures. He says that in each of his campaigns financial support of the submarine-boat people had been offered him if he pledged his vote to their measures before Congress, but he refused. Mr. Lilley is well known as a fighter, and his conflict with these submarine people will be watched with interest." Did you write anything of that?—A. No, sir.

Q. Did you suggest to any newspaper man any of what is therein expressed?—A. No, sir.

Q. Did Mr. Lilley ever tell you anything of that kind that is attributed to him in this article?—A. They may have given me the information in a general way; my impression he has outlined their method in reference to himself, but I can not remember anything specific. I have the impression that they had approached him——

Q. Tell us all about it.—A. I do not recall any definite conversation, except he did give me the impression that the methods of the Holland people were very reprehensible, and he told me about this manufacturer shaking his fist at him.

Q. Did he say they had offered him any improper consideration?—A. No, sir; I do not recall anything like that.

Q. He did not mention any bribe, did he?—A. I don't remember of it.

Q. Of five figures or any other figures?—A. I don't remember any such thing.

Q. Have you any idea where that dispatch came from?—A. No, sir.

Q. Who could it have come from? It is from Waterbury.—A. What paper is that?

Q. This is the New York Sun of February 21, 1908.—A. I do not know who is their correspondent.

Q. Do you know who is the Waterbury correspondent of the New York Sun?—A. No, sir; I do not.

Q. You spoke a little while ago about Mr. Lilley having dictated some part of this to you?—A. Some part of what?

Q. Of the resolution.—A. Yes, sir.

Q. And you took that down in longhand?—A. I think I did.

Q. I asked you if you said you were not a stenographer.—A. As I remember, I said he dictated the general outline of what he wanted and asked me to look up the precedence, and I prepared it in form. As I remember it now, it was just before he was leaving in the afternoon for Connecticut.

Q. You either took it in memory or in longhand?—A. Yes, sir.

Q. You did say you were not a stenographer?—A. I am not a stenographer.

By Mr. HOWARD:

Q. What is your age?—A. Twenty-three.

Q. Where were you raised?—A. In Connecticut.

Q. What profession have you been trained in?—A. Yes; I have the bachelor's degree at Yale College.

Q. And how long have you been in Mr. Lilley's service?—A. Since July 1, 1907.

Q. In what capacity do you serve?—A. As his secretary.

Q. Is there any other person in his office in the same service?—A. The last two months we have had a young lady named Keliher, who has done the typewriting.

Q. For the last two months only?—A. Not as long as that. I do not remember just how many weeks.

Q. She does what?—A. She typewrites letters and does the stenographic work.

Q. Then she is a stenographer and typewriter?—A. Yes, sir.

Q. Prior to your employment who besides yourself was in the office or in Mr. Lilley's employ in connection with his Congressional work?—A. No one has been in the office.

Q. Since your employment, then, you have been the only person serving him in that capacity?—A. Yes, sir.

Q. You say you are not a stenographer?—A. No, sir.

Q. But you take notes of dictation in an abbreviated hand?—A. Yes, sir.

Q. Of your own?—A. Yes, sir.

Q. And you have found that method satisfactory?—A. Not fully.

Q. Is it sufficiently accurate to enable you to write out substantially what has been dictated to you?—A. If I write it within a short space of time. If I let it lie for two or three days possibly I might have some difficulty, but not the same day.

Q. In Mr. Lilley's dictation to you does he dictate literally what he wishes written, or are you allowed any latitude in the construction of the sentences or following the language?—A. It depends upon the nature of the letter.

Q. In what form do you preserve it?—A. Why, sometimes—I very seldom preserve it. At one time I used a stenographer's book, or took it on an old piece of paper or letters, and when I was through with it just tossed it in the wastebasket.

Q. How long did you use a stenographer's book?—A. Why, I have used them—whenever it was necessary to stand for any time, and there was no rest, I have perhaps taken a book. I have used them off and on. I believe I used two or three of them.

Q. What have you done with those that you have used?—A. Why, they may be in the office, and I may have tossed them in the wastebasket. I have not kept them that I know of. It never occurred to me that they would be useful for any purpose, and I either threw them away or they are in the office.

Q. You do not know what the fact is about that?—A. No, sir; I do not. My impression is that they have been thrown away.

Q. Have you made any search for them?—A. I looked this morning when Mr. Haynes came in, but I did not find them.

Q. Did you search thoroughly in your office?—A. No, sir; I did not take the time, and Mr. Haynes seemed to be in a hurry; I did not spend more than two or three minutes. My impression was that I had thrown them away.

Q. Where should they be found if they have not been thrown away?—A. They would be in one of the cupboards there, on the shelf.

Q. Is it possible that they could be in any other place?—A. Not unless they have been taken from the wastebasket.

Q. Were you served with a subpœna to appear and testify?—A. I understand I was.

Q. And how did you understand it?—A. Why, I don't remember whether Mr. Haynes definitely said that there was a subpœna out, which he had in his hand, and he wanted to know, or said, "You are subpœnaed," as I understand, "to appear right away before the committee.

Q. When was that?—A. This morning.

Q. Did he hand any paper to you?—A. Why, I asked him if that paper was for me, and he said, "No," or he wanted to know whether I wished him to read it entirely, or whether—but he said that the committee wished me to appear right away with such stenographic notes as I had, and I told him that I was not a stenographer and had not any stenographic notes.

Q. Did he exhibit any paper to you?—A. He showed me a paper on which I saw the name of Mr. Webster, which seemed to be a printed form.

Q. Did you read it through?—A. No, sir.

Q. You do not know, then, what the contents were?—A. No, sir; as I took Mr. Haynes's word——

Q. But he did say to you that you were wanted, and he wanted you to bring your stenographic notes?—A. Yes, sir.

Q. And you replied that you had no stenographic notes—that you were not a stenographer?—A. I told him I was not a stenographer. I said I had two or three, I thought, books I would look for, but my impression was that I had thrown them away at the time, and I looked in the place where I remembered having kept them, but, as I recollect, I tossed them in the wastebasket.

Q. Then your failure to produce these books is want of time to make a thorough search?—A. No, sir; it was because my impression was that I had no such notes. That was the reason that I failed to produce them.

Q. Did you have any opportunity to search very thoroughly before you came into the committee?—A. Why, there were two cupboards, and one cupboard would be the place they would be likely to be, and also a box in which I looked to see if they had been thrown in there.

By Mr. STEVENS:

Q. While I was out, did you testify about how long before you wrote this resolution you heard concerning an investigation?—A. The first information I had of it was, as I remember it, a week or ten days—I would not be positive whether Mr. Lilley mentioned it a day or two before he actually told me to draw up the draft or whether it was that very day, and I took down the notes what he wished on that day, before he left for Connecticut, and when he returned I submitted the draft for reference to the Committee on Naval Affairs, and the draft was changed by Mr. Lilley to the Committee on Rules.

Q. You changed it at his direction?—A. Yes, sir.

Q. During that time, before the resolution was introduced, you, however, heard some talk about there being an investigation, and did you talk with anybody about the investigation?—A. Why, I could not say whether I intimated to Mr. Wallma, the American cor-

respondent, the nature of the resolution or not, the evening that I mentioned to him that the resolution would be presented by Mr. Lilley, which I thought would interest him from a newspaper standpoint.

Q. It was the evening of the 19th?—A. As I remember it, it was Wednesday evening, the 19th.

Q. Do you recall talking with anybody else beside that?—A. No, sir; I had no conversation.

Q. Were you ever at the document room?—A. When I went there for forms.

Q. You say you searched for forms there?—A. I got out several resolutions.

Q. What subjects did you seek to find out about in seeking the resolutions; any particular subject?—A. I looked through the general index of the Record, and any House joint resolutions, and happened to find one introduced by Mr. Hobson, I believe, and I took that general form.

Q. Whom did you consult in the House document room?—A. I submitted the numbers of the resolutions that I wished.

Q. You consulted the index yourself?—A. And submitted the numbers to the clerks there; yes, sir.

Q. You don't remember which one of the clerks it was?—A. No, sir; I do not.

Q. Did you tell them what you wanted it for?—A. I don't remember that I did.

Q. About that time, or previous to that, who else had you talked with concerning an investigation?—A. I had never talked with anyone concerning an investigation before that.

Q. Had you thought to give any information concerning an investigation?—A. The first that I knew of an investigation was when Mr. Lilley either suggested it or the actual day he dictated the resolution which he wished to propose to the House.

Q. And that is all that came to you?—A. That is all that came to me.

Q. Did he direct you to get information of anybody else during that time before he introduced his resolution?—A. No, sir.

Q. After he introduced his resolution, did he direct you to get any information of any particular persons?—A. Yes, sir.

Q. Who?—A. Why, I went to the House document room for certain records or committee reports of the Committee on Naval Affairs, and reported to Mr. Lilley that they said they did not have any back of the Fifty-eighth Congress. It seems since that they can get them upstairs, but they had none of the reports, and I went to the Senate committee and got two or three, and I met Mr. Neff——

Q. When did you meet Mr. Neff?—A. It was the next day following the introduction of the resolution, I believe, that he came to the office.

Q. Where did you meet him?—A. He came into our office.

Q. Was Mr. Lilley there?—A. I don't remember about that particular day. He came in when he was not there, I believe, at one time.

Q. Was that the first time that you had met Mr. Neff?—A. No, sir; I met Mr. Neff in Waterbury last August, at Lilley, Swift & Co.

Q. On what occasion did you meet Mr. Neff at Waterbury?—A. Mr. Neff came into the office, or rather he was in the office when I walked in, and Mr. Lilley introduced me.

Q. What office?—A. In his business office at Waterbury, at Lilley, Swift & Co.

Q. Who was there when Mr. Neff came in?—A. Mr. Lilley, and his stenographer there——

Q. And yourself?—A. Well, I came in, as I remember it, and Mr. Neff was in the office.

Q. You found Mr. Neff there?—A. Yes, sir; I believe so.

Q. What did Mr. Neff say that he called there for?—A. Mr. Lilley simply introduced him as a young man in Washington and the conversation was purely in a social way. Mr. Neff said he was going to the Georgetown Law School, in which I intended to go, and he said he would be glad to meet me when I came down here.

Q. Then Mr. Neff did not state what his business was?—A. Mr. Neff never stated, except, of course, Mr. Lilley gave me a letter—I believe the committee have a copy of a letter which was written down there August 10, or somewhere along there.

Q. Did you write that letter?—A. I believe I typewrote that letter.

Q. At Waterbury at that time?—A. Yes, sir.

Q. Did not Mr. Neff state to you while you were there what his business was in Waterbury?—A. No, sir. That is the only occasion on which I saw Mr. Neff.

Q. He did not talk anything about submarine matters there then?—A. No, sir. Mr. Lilley gave me a letter when I walked in at that time; he had another office upstairs, where I went and typewrote the letter.

Q. To what did that letter have reference?—A. That was a letter to the Secretary of the Navy, I believe, there was a copy of it sent—I don't recollect the place where it went, but the Secretary was on his vacation in the West, I believe.

Q. Somewhere in California?—A. Yes, sir.

Q. And this letter was addressed to California?—A. There was a carbon copy made of it, and two copies of it were sent.

Q. Did Mr. Neff have a copy?—A. I don't know whether he did or not.

Q. What was done with the original letter?—A. The original letter and one carbon copy were mailed.

Q. Were you present when Mr. Neff discussed with Mr. Lilley the subject-matter of the letter?—A. No, sir; I was not.

Q. You did not hear anything about that?—A. No, sir.

Q. While you were present, did not Mr. Neff discuss in any way the subject of submarine legislation or submarine contracts?—A. As I remember, I came in and Mr. Lilley gave me the letter and I went back again; and Mr. Neff shook hands and said he would be very glad to see me when I came down to Washington; we would probably meet often, going to the same law school——

Q. And that is all there was to it?—A. That is all there was to it.

Q. When next did you meet Mr. Neff?—A. Either the 2d or 3d of of October, in the law school.

Q. You came down here then?—A. I came down here the 1st of October, or 2d, as I remember.

Q. Did you write any other letters for Mr. Lilley to the Secretary of the Navy or to anyone else concerning submarine matters?—A. I believe there was one written in September to the Secretary of the Navy.

Q. You wrote that letter?—A. As I remember it, I wrote it.

Q. Where did you write it?—A. In Waterbury.

Q. What other letter did you write concerning submarine matters for Mr. Lilley?—A. I don't remember any other letters.

Q. After the 1st of October how often did you meet Mr. Neff?—A. Why, to converse with him, I probably met him in the hallway once or twice a week, and passed a few words, or bowed to him when I saw him.

Q. Did you know in October that he was connected with the Lake Torpedo Boat Company?—A. Why, he was introduced to me as the representative of the Lake Torpedo Boat Company.

Q. Where was that?—A. In Waterbury.

Q. He was introduced to you by Mr. Lilley?—A. I understood he was a representative of Mr. Lake.

Q. Who told you that he was?—A. I believe Mr. Lilley introduced him as Mr. Neff.

Q. Mr. Lilley introduced you to Mr. Neff as representing the Lake Torpedo Boat Company?—A. I am not sure; from the fact that the letter was written to the Secretary and Mr. Neff, I don't know whether he was——

Q. Do you know whether the letter was written at the instance of Mr. Neff?—A. I do not.

Q. Do you know the reason why Mr. Lilley wrote that letter in September?—A. No, sir.

Q. Did it come to your knowledge?—A. No, sir.

Q. After you were here in October and met Mr. Neff, did he talk about the subject-matter of those letters with you?—A. I never discussed it.

Q. Did you talk anything about submarine matters with him during the fall months?—A. No, sir.

Q. You were here when Congress opened in December?—A. Yes, sir.

Q. You were here when Mr. Lilley came down to attend this present session?—A. Yes, sir.

Q. Did Mr. Neff come to your office after the 1st of December?—A. Why, he may have been in, asking to see Mr. Lilley. I don't remember definitely whether he was or not.

Q. He might have been in?—A. I remember that Mr. Neff has been in the office several times, but I do not recollect the dates, or what his purpose was in coming; asking for the general attitude of the Naval Committee on this appropriation, or something.

Q. But he would come in from time to time and talk about navy matters.—A. I do not know the subject of the conversation. He said he wanted to find out how his company stood with the Naval Committee this year. I believe he made that remark to me at one time. I don't remember any other conversation with reference to it.

Q. When was that, do you recall?—A. Perhaps the 1st of February or January.

Q. Was anything said before the holiday recess?—A. I don't remember that he has been in the office in the old building.

Q. You do not remember that he went into your office in the old building?—A. I don't remember having seen him there.

Q. Where was your office in the old building?—A. As I understand, by courtesy of Mr. Wanger, Mr. Lilley had a desk in the turret of Mr. Wanger's committee room.

Q. In the Committee on Expenditures in the Post-Office?—A. Yes, sir.

Q. You did not see Mr. Neff there?—A. No.

Q. Did you go to the New Willard at all to confer with Mr. Lilley about his business?—A. Occasionally.

Q. Did you ever meet Mr. Neff there, conferring with Mr. Lilley?—A. I met Mr. Neff, yes; once or twice. I believe he has been there at the hotel since the introduction of Mr. Lilley's resolution.

Q. I am speaking before that.—A. Oh, no; never before that.

Q. So that he met Mr. Neff mostly after the 1st of January when he walked into your office in this building?—A. Probably two or three times he has been in it.

Q. Did he talk with you concerning submarine matters?—A. Nothing except that, as I remember, he asked for the general attitude and how the Naval Committee was going to take action. I never knew anything about it.

Q. Did he talk with you concerning securing the Connecticut delegation to talk with the Secretary of the Navy concerning the Lake Torpedo Boat contract?—A. No, sir.

Q. You did not have any knowledge about that?—A. No, sir.

Q. About how often would he come into your room to discuss submarine legislation?—A. I do not know that he ever came more than perhaps once in two or three weeks, perhaps he would drop in.

Q. That would be two or three or four times before the naval committee acted upon the matter?—A. Possibly. I have no definite recollection of the times he came in.

Q. Do you recall the conversation at any of these times concerning submarine matters?—A. Why, as I remember it I do not ever remember any conversation that he had with Mr. Lilley while I was in the office there. I remember two or three times he came in and went out again, and Mr. Lilley was not there. There was no conversation that I know of. I used to direct him to the floor of the House. I don't know whether he found him there or not.

Q. Did Mr. Neff complain to you that the Lake Torpedo Boat Company were not getting a fair show?—A. No, sir; he never said anything to me upon those subjects.

Q. He did not complain at all?—A. No, sir.

Q. Did he complain to Mr. Lilley about it at that time?—A. I do not know of any such conversation.

Q. If there had been any such conversation——A. If there had been any such conversation in my presence I would probably have heard it and remembered it, but I know of no such conversation.

Q. So, so far as you heard, he had never complained to him?—A. No, sir.

Q. Did any other person representing the Lake Torpedo Boat Company come into the office and confer with Mr. Lilley about the subject of submarine matters?—A. Not that I know of.

Q. Did you see anybody?—A. No, sir.

Q. Did Mr. Neff talk with you anything about this investigation after you commenced writing about it and hearing about it?—A. He suggested that they had some data that might assist Mr. Lilley in bringing out the facts?

Q. Where did he say that was?—A. As I understood it, in his office.

Q. In his office here?—A. Yes, sir.

Q. You brought this subject up to him, did you?—A. I don't remember how it was, whether Mr. Lilley had asked me to find out from him—as I remember I have asked him if he had this—originally I asked him if he had those reports which I had been unable to get at the House document room, running further back, as I remember it, we had one or two of them, and Mr. Lilley wanted to locate the others, and one of the clerks in the document room told me they did not have anything running back—I have forgotten whether he said the Fifty-eighth or Fifty-ninth Congress.

Q. Did Mr. Neff furnish you any of those reports?—A. I believe Mr. Neff had them.

Q. Did you go to his office or did he bring them to your office?—A. I went to his office, I believe, to get the data he had. I believe he had but one copy, and did not want to lose that.

Q. And that was during the time you were preparing for the resolution?—A. That was after the resolution was introduced.

Q. What conversation did you have with him before the resolution was introduced?—A. Why, just what I have outlined in a general way. I never mentioned the subject of the resolution or anything of that kind to him.

Q. What conversations did you have concerning the matters of the Electric Boat Company?—A. I do not know that Mr. Neff has ever mentioned that to me. I don't recall any such thing.

Q. Has he ever mentioned it to you at any time? Haven't you talked it over with him at any time?—A. No, sir; not before the resolution was introduced. Of course, I got general testimony and data from him in the office since then.

Q. Didn't you talk with him, or he with you, in any way concerning the methods of the Electric Boat Company or the necessity of investigating them while you were preparing this resolution for introduction?—A. No, sir.

Q. Didn't you talk with him or anybody else to get information concerning this?—A. Nothing but the parliamentary form for the introduction of resolutions as I outlined before.

Q. But you did not try to get information from him then?—A. No, sir.

Q. When did you go to him first for information?—A. It was after this committee was organized, as I remember it. I don't recollect the dates. I went to him for these reports at this time.

Q. And what other information?—A. Well, we wished to collect data in reference to the excess profit of the Holland boat people and to get the figures accurate. Mr. Lilley, as I remember, gave me to understand I would find it in certain committee reports, and I went to the House document room and was unable to get them there, and I asked Mr. Neff if he had them, and he said that he had and would be glad to have me use them, and I went and used them in his office.

Q. Did you compile these tables that showed excess profits which were used in the statement that Mr. Lilley submitted to this committee?—A. Yes, sir.

Q. And you got them from the reports contained in the office of Mr. Neff?—A. Yes, sir.

Q. Did you obtain from Mr. Neff the names of any witnesses to be examined by this committee?—A. I don't remember.

Q. Mr. Lilley has stated to this committee that he directed his secretary to get information concerning some of the witnesses. You were his secretary at that time?—A. I believe I may have gotten the addresses of the witnesses, if that is what you mean; I have gotten the addresses from Mr. Neff, but I never got the names of any witnesses.

Q. He says: "I think I asked my secretary to find out who the treasurer and assistant treasurer were." Do you recollect any direction to find that out?—A. I don't remember.

Q. You don't remember whether he asked you to find out who those persons were?—A. He may have asked me, but I don't remember having gotten them from Mr. Neff. He may have given them to me.

Q. If he directed you, where did you get the information if you did not get it from Mr. Neff?—A. If I got the information, I got it from Mr. Neff.

Q. Who else did you go to to get information outside of the House document room and Senate document room and Mr. Neff?—A. I don't remember having gone to anyone connected with the investigation.

Q. Did he give you general directions to find the information wherever you could?—A. No, sir; I do not know that he gave me any such positive directions.

Q. And you did get information wherever you could?—A. Yes, sir.

Q. Did you work with Mr. Neff in preparing the matter?—A. I have been in his office several times and worked with him.

Q. You worked with him?—A. Yes, sir.

Q. Who directed you in the preparation of that work?—A. There was nothing in the preparation took place except simply referring to the figures and making $745.45 per ton.

Q. So you directed yourselves?—A. Yes, sir.

Q. You made them up in your own way?—A. Yes, sir. He may have checked the figures; I may have read back to him the testimony I copied out. In fact, I believe we did do that and checked it up to make sure.

Q. Did you get any information concerning the employment of attorneys by the Electric Boat Company?—A. No, sir.

Q. Did any of that come from you?—A. No.

Q. Did you go about and try to find out anything about it?—A. No, sir.

Q. Did you ask the newspaper men whom you knew anything about the hiring of attorneys by the Electric Boat Company?—A. No, sir.

Q. Did you try to find out anything about the expenditures of funds by the Electric Boat Company? Did you find out anything about it?—A. No, sir.

Q. Did you find out or try to find out the record of Members of Congress as to their attitude toward the Electric Boat Company?—A. No, sir.

Q. Did you try to find out from Neff concerning the entertainment given by the Electric Boat Company?—A. No, sir.

Q. You have no direction to find out anything of that kind?—A. No, sir.

By Mr. HOWARD:

Q. You say Mr. Lilley introduced Mr. Neff to you in his office in Bridgeport?—A. In Waterbury.

Q. Just what did he say?—A. I don't remember. I don't remember whether I gathered the impression, as I stated, whether he was a representative, he was introduced as a representative of the Lake Torpedo Boat Company——

Q. I don't care anything about that. I just want to know what name he used; what did he call him?—A. As I remember it he called him Mr. Neff, and there was some slip lying around there from which I got his name, or a piece of paper, Neff—I think he left his card—A. R. Neff.

Q. Did Mr. Lilley call his name?—A. I don't know whether he asked Neff to introduce himself—I don't remember just what the wording was.

Q. That is what we want you to remember.—A. I can not say that.

Q. You do not know how he introduced him?—A. No, sir.

Q. You don't know whether he introduced him as Mr. Neff, or whether he introduced him as Mr. Neth, or whether he told you, "Here is a man, I don't know what his name is."—A. I remember the following day on a piece of a paper—hotel paper—Mr. Lilley had lying on his desk, and Neff had written his name——

Q. I want to know now something about what Mr. Lilley did.—A. I could not say whether he called him Neff or Neth, or whether he asked him what his name was before he introduced me. I remember I understood what his name was—just the sound is all I got at that time—but I found later there this paper. I took pains to make a note——

Q. I fully understand you about that paper. I want to get at whether or not Mr. Lilley used words or pronounced the name of the person that he wished to introduce in such as that you got the person's name from Mr. Lilley's pronunciation of it, or whether he gave it in such a way as to leave the impression on your mind that he did not know it at the time he was introducing him?—A. I can not say Mr. Lilley was introducing him but——

Q. Of course I have no question to ask, I have heard here that Mr. Lilley did introduce him.—A. That was my recollection, that Mr. Lilley introduced him, but I met him anyway. The fact I wish to state is the fact that I met Mr. Neff there the first time in Mr. Lilley's office, and that he was standing there beside Mr. Lilley's desk when I walked in, and when I left Mr. Neff had very courteously offered to assist me.

Q. There is no trouble about Neff and his courtesy, I can imagine that. I want to know what Mr. Lilley knew about him?—A. I can not say.

Q. I mean from his words or manner in the mere act of introduction.—A. I don't recollect that at all.

Q. Did you recollect now whether Mr. Lilley introduced Neff to you at all?—A. I could not say.

Q. Do you swear positively that he did or did not introduce him to you?—A. I know that I met Mr. Neff there in the office.

Q. Will you swear that Mr. Lilley did or did not introduce Neff to you in Waterbury?—A. No, sir; I could not do it. If you mean by introducing, the formal words, "Mr. Neff, I present you to Mr. Webster," I could not swear I was presented to him.

Q. Did he use any informal words?—A. When I meet a man it is simply making a bow——

Q. That is what you did, I am talking what Mr. Lilley did.—A. I said when I have been introduced to a man it may be sometimes by merely a bow, but as I remember——

Q. You do not bow until somebody has been presented?—A. No, sir.

Q. And in Connecticut do you present a man by saying "Here is a man," or do you call his name?—A. Usually his name is called.

Q. Was this man's name called when he was presented to you?—A. I don't know whether it was or not.

Q. You say positively you have no recollection whether his name was called or not?—A. I would swear that; yes, sir.

Q. You have heretofore sworn in this examination that Mr. Lilley did introduce him to you as Mr. Neff. Which is the truth of it?—A. Well, I did not intend to give that impression at all.

Q. You didn't?—A. No, sir.

Q. You wish then to be understood that Mr. Lilley presented a man to you and told you here was a man, and you have no recollection whether his name was called or not?—A. My recollection is that Mr. Lilley did not know his name until afterwards. Because that slip of paper he had on his desk, why, I kept it and made a memorandum of it, and I believe Mr. Lilley asked me what his name was, what the name of that fellow was.

Q. You say now Neff was in the office when you went in?—A. As I remember it he was standing beside Mr. Lilley's desk.

Q. Had you any information as to how long he had been in the office?—A. Why, Mr. Lilley could not have been in there more than fifteen or twenty minutes, he had just come in in the morning.

Q. How long had Neff been in?—A. I didn't know anything about it, except that I found Neff in the office.

Q. What was going on between Mr. Lilley and Mr. Neff?—A. Mr. Lilley was preparing to dictate a letter. He asked me to take down a letter and he gave me a letter and I wrote this letter to the Secretary of the Navy.

Q. How long did you remain in the room after the letter was dictated?—A. I went right upstairs again and wrote the letter.

Q. Where did you go after you wrote the letter?—A. I brought the letter back to Mr. Lilley.

Q. Where was Mr. Lilley when you found him with the letter?—A. I don't remember whether he was outside of the office, and I left it on his desk. I brought it down to the office——

Q. Where was Mr. Neff when you came back to the office?—A. I believe he was there.

Q. Where?—A. In the office.

Q. Was he with Mr. Lilley?—A. It is a small place; he was in the same office.

Q. It was not too small to hold both of them, was it?—A. No, sir.

Q. Was not too small for three of you?—A. For four of us.

Q. Now, was he in the office when you went back in the office?—A. Mr. Neff was in the office.

Q. Were they indulging in any conversation when you first went in, before the letter had been dictated?—A. It had the appearance of that.

Q. Were they engaged in conversation when you came back with the letter?—A. I don't know whether Mr. Neff was sitting there or waiting, or whether he had been talking with Mr. Lilley.

Q. How long did you remain in the room after delivering the letter?—A. I talked with Mr. Neff about the law school, and one thing and another here in Washington.

Q. Where was Mr. Lilley during that conversation between you and Mr. Neff?—A. He was there in the office, as I remember.

Q. Did he engage in any part of the conversation?—A. Why, I don't think he did. I think Mr. Neff said that and left.

Q. And Mr. Lilley did not call Mr. Neff's name?—A. I don't recollect it.

Q. Either in the introduction or afterward, in the conversation?—A. I do not recall. If I remember it, it was a letter asking the Secretary—or opposing the monopoly in submarine legislation.

Q. Addressed to whom?—A. The Secretary of the Navy. I believe it was sent to two places.

Q. It was addressed to the Secretary of the Navy—he was the person written to?—A. Yes, sir.

Q. And it was opposing a monopoly in the submarine legislation?—A. Yes, sir.

Q. And that was dictated to you by Mr. Lilley?—A. Yes, sir.

Q. In the presence of a man whose name was not mentioned and to whom Mr. Lilley was a stranger?—A. Now that you mention it, I believe that Mr. Lilley had come to the office before Neff came in, in the morning, and that I had seen him, and that he had told me what he wanted in the line of a letter.

Q. Before he saw Neff?—A. Before he saw Neff, and that I had already written a letter along that line, and Mr. Lilley—I got it down and submitted that, and of course I could not abbreviate in longhand as rapidly as I can now, and I probably made some mistakes, and he fixed it, and as I remember it when I came in Mr. Neff was there and I went back upstairs to make the corrections that he suggested and came down, and Mr Neff was there——

Q. Now, do you know about Mr. Neff's presence in the office there before that letter was written?—A. Nothing except inference.

Q. From what do you derive the inference?—A. Just the coincidence of the time and occurrence.

Q. Was the letter shown to him? —A. I don't remember.

Q. Did he read it? A. Why, he probably knew the contents.

Q. How?—A. I don't remember what happened to the letter.

Q. Who took it away? A. I believe I mailed it with other letters. I put it in the copy book and mailed it that same evening.

Q. Neff didn't take the letter away and mail it?—A. I don't remember that he did.

Q. How many copies did you make of the letter? You mailed the original and mailed a carbon copy. Did you make any other carbon copies of it?—A. I don't remember.

Q. Have you any knowledge or recollection as to whether Neff saw the letter after you prepared the letter in its final form?—A. I don't recollect that.

Q. You handed it to Mr. Lilley when you prepared it in its final form?—A. Yes, sir.

Q. What did he do with it?—A. I don't remember whether he signed it there or when I prepared the rest of the correspondence and he signed it in bulk, but he said it was very satisfactory.

Q. When did he say it was satisfactory?—A. When I brought it in, after I had made the corrections.

Q. Did Mr. Lilley take the letter and read it over?—A. Not aloud.

Q. Did he take it in his hand?—A. As I remember I placed it on his desk.

Q. Did you see him look at it?—A. I don't remember whether he did or not.

Q. Why did he say it was satisfactory?—A. I don't know why he did.

Q. How could he have expressed satisfaction with it when he had not seen it?—A. My inference would be that he had read it, but I did not see him read it. Probably I was talking with Mr. Neff.

Q. Did he express himself about the letter in a reasonable time after you delivered it to him or at a later period in the day?—A. I don't recollect. But my impression is that he said it was saitsfactory at the time, or undoubtedly he would have had me write another.

Q. Let us see; you were with Mr. Lilley in the morning of that day?—A. Yes, sir.

Q. Mr. Lilley dictated to you the form of a letter on this subject?—A. Yes, sir.

Q. You went off to write it?—A. Yes, sir.

Q. You did write it and carried it to Mr. Lilley and he read it over, and it did not meet his approval?—A. Yes, sir.

Q. He suggested changes to be made in it; you went away immediately, redrafted the letter to comply with his suggestions of things?—A. Yes, sir.

Q. You came immediately back to his office and delivered it to him?—A. Yes, sir.

Q. And you have no recollection what he said about it one way or the other?—A. Except that it was satisfactory.

Q. But you did not see him read it to ascertain?—A. I was conversing with Mr. Neff in regard to the law school, etc., as I remember.

Q. At precisely what part of the time I have gone over did Mr. Lilley present Neff to you?—A. Why, I could not tell whether it was the first time that I came in with the original draft or the second time. I imagine it was the first time.

Q. Now, then, you said that you inferred that Mr. Neff's business with Mr. Lilley was the subject of this letter?—A. Yes, sir.

Q. You state that. Now, if Mr. Lilley dictated a letter to you in the morning prior to your meeting Neff in his office, do you infer that Mr. Lilley had previously seen Neff and had discussed with

Neff the question of the letter?—A. As I understood it, Mr. Neff had been there the night before at the hotel, and he had sent a telegram for Mr. Lilley——

Q. And Mr. Lilley received a telegram? Who sent the telegram?—A. I don't know.

Q. Who received it?—A. I understood the telegram had been sent to the Secretary of the Navy.

Q. By whom?—A. By Mr. Lilley.

Q. When?—A. The night before this letter was dictated.

Q. Was Neff there then?—A. I don't know. I understood he had been that evening before, because this slip of paper with his name was something Mr. Lilley had brought down from the hotel—his name and address in Washington. Neff had left it there that evening with his name and address——

Q. Now, let us see if I get it. On a given afternoon Neff appeared at Waterbury and stopped——A. I don't know anything about the evening before, except the fact that this letter is an indorsement of the telegram—I didn't see Neff or know anything about him.

Q. What do you know of your own knowledge about Neff's appearance in Waterbury before this letter was written? What do you know of your own knowledge?—A. That I saw him in the office when I submitted the rough draft, and that he was still there when I came down with the copy.

Q. You know nothing of your own knowledge about his having gotten there before?—A. No, sir.

Q. You know nothing of your own knowledge about his having stopped at the hotel?—A. No, sir.

Q. You know nothing of your own knowledge of his having seen or had an interview with Mr. Lilley?—A. No, sir.

Q. You know nothing of your own knowledge about a telegram being sent to the Secretary of the Navy by either?—A. No, sir.

Q. And all you know was the next morning when you went into the office and there Mr. Lilley dictated a letter——A. Yes, sir.

Q. That covers your knowledge?—A. Yes, sir.

Q. All else that you have undertaken to speak about, how did you devise knowledge of that?—A. To what point do you refer?

Q. How did you get any information that Neff was there the day before; how did you get the information that a telegram was sent the evening before?—A. It has come up within the last month or so and was told to me. I found out from Mr. Moses that a telegram had been received by the Secretary of the Navy from Mr. Lilley.

Q. When you were introduced, if you were introduced by Mr. Lilley to Mr. Neff, there was a scrap of paper—I believe you describe it as yellow paper—a scrap of paper that had on it Neff's name?—A. Well, it was a piece of hotel paper, lying on the desk.

Q. On Mr. Lilley's desk?—A. That I found after Mr. Neff had gone out, that gave his name and address.

Q. You do not know when that piece of paper was put there?—A. I think Mr. Lilley had taken it out of his pocket when he brought in other letters he had received at the hotel to answer.

Q. Have you any reason to believe that the address was in Mr. Lilley's possession before you were presented to Mr. Neff in Mr. Lilley's office?—A. Simply the fact that it was there at the office, and

the hotel is half a mile away, and I found it in Mr. Lilley's papers which he had put down on the desk, and I inferred it had been brought there from the hotel by Mr. Lilley.

Q. Precisely what was on that piece of paper?—A. A. R. Neff.

Q. Spell it.—A. N-e-f-f.

Q. Any other address?—A. I think it was 606 Colorado Building.

Q. Any city?—A. I don't remember whether Washington was on it or not.

Q. But you do remember that?—A. Yes, sir.

Q. Was that plain and legible? If Mr. Lilley could read could he have known Neff's name from that memorandum of it?—A. Had he seen that paper and taken pains to remember it he could have.

Q. Now, the question is if he could read and saw the paper could he have known Neff's name?—A. Yes, sir.

Q. When you came into the office Neff was there?—A. If that paper had been in Mr. Neff's hands——

Q. If he had ever seen it?—A. If he had ever seen it.

Q. That gave him an opportunity to know Neff's name?—A. Yes, sir.

Q. Then, if he could have known Neff's name at that time from that paper, could Mr. Lilley have known Neff's name from then until now?—A. It is a perfect possibility, I should say.

Q. Is it a perfect possibility with ordinary mental capacity to have accomplished that feat. That is all.

(The witness was here withdrawn from the stand for the present.)

TESTIMONY OF MR. M. E. MATLACK—Recalled.

M. E. MATLACK, being recalled and examined, testified as follows:

By the CHAIRMAN:

Q. What document is this?—A. This is the original copy of the resolution that was introduced in the House on the 14th instant.

Q. Will you explain the date appearing on it, of April 6?—A. The House is now in recess from day to day, and working under the date of April 6. It is the legislative day of April 6 but the calendar day of April 14. This is the original copy.

By Mr. OLMSTED:

Q. Do you mean this is the original?—A. This is the original, that went in the basket and came to me and went from me, after being numbered and entered in the books to the Government Printing Office, from which the copies are printed.

Q. Then it came back to you?—A. No; it remained on the file at the Government Printing Office, and I sent for that this morning, and I identify it as the one that went through my hands.

Q. It did not come back from the Government Printing Office to you?—A. It came back to me this morning.

Q. And it is now presented to the committee as the original resolution offered in the House?—A. Yes, sir. It bears a pencil mark of my writing.

Q. "H. J. Res. 169."—A. That is my figures.

TESTIMONY OF BENJAMIN WEBSTER—Recalled.

BENJAMIN WEBSTER, being recalled and examined, testified as follows:

By Mr. OLMSTED:

Q. After first telling us that Mr. Lilley introduced Mr. Neff to you as Mr. Neff, a representative of the Lake Boat Company, you finally veered about and said something about bowing.—A. No, sir. I merely suggested that I did not have a definite recollection so far back as to the manner of the introduction, but my impression was when I said I met Mr. Neff, that was the first time I had ever seen Mr. Neff, and after the following day I could carry away the impression that I had been introduced in the office.

Q. And you so testified at the beginning of your testimony, and in your later testimony you seemed to be of the impression that Mr. Lilley did not know Mr. Neff's name. Which is correct?—A. I couldn't state whether Mr. Neff volunteered his own name.

Q. I didn't ask you that. When you met him in there, did you gain the impression that Mr. Lilley knew Mr. Neff's name or not?—A. I couldn't say.

Q. Then you would have us to understand that Mr. Lilley, acting partly through you, prepared and sent a letter to the Secretary of the Navy upon an important subject at the request of a man whose name he did not even know?—A. He knew that he was a representative of the Lake Boat Company, undoubtedly.

Q. How do you know that?—A. As I remember it, he said he was a representative of the Lake Boat Company; that as to whether he actually knew Mr. Neff's name that morning and had to ask him before introducing me, I don't know, or whether he did ask him or whether Mr. Neff mentioned his name. But I remember that I knew Mr. Neff's name from that slip of paper which had been brought down from the hotel.

Q. Who brought it down?—A. I don't know. It was lying on the desk and was with Mr. Lilley's other letters, and I imagine he must have brought it in.

Q. Now you think Mr. Lilley didn't know that he represented the Lake Company except as Mr. Neff stated so there in your presence?—A. I don't know whether he had a letter of introduction or not. I never saw it if there was.

Q. Then the general tenor of your version is and what you wish us to understand is that Mr. Lilley, at the request of a man he had never seen before, and did not know his name even, or where he lived, wrote the Secretary of the Navy upon an important matter?—A. Bridgeport is within telephoning distance of Waterbury and perhaps Mr. Lake or some representative of the company may have telephoned. I didn't know anything about this, whether Mr. Lake had telephoned that Mr. Neff was coming on or how Mr. Lilley understood Mr. Neff was there.

Q. You gave us a little while ago to understand that Mr. Lilley did not even know his name.—A. That is, Mr. Howard, as I understood, asked whether he knew Neff or Neth.

Q. You think now that he did not know?—A. He apparently did not know the spelling of the last two letters.

Q. How often had you met Mr. Neff previously to that time?—A. That was the first time I had ever met Mr. Neff.

Q. You had heard of him before?—A. No, sir.

Q. How did you happen to know that he went to the same law school as yourself?—A. We both started this session in the freshman class, the 1st of October. That was the 9th or 10th or 8th of August.

Q. You said you talked at Waterbury about being in the same law school.—A. About going to the same law school. We were both planning to enter the same law school.

Q. How did you happen to know that, if you had never met before?—A. Mr. Neff may have asked Mr. Lilley if I was going to Washington with him, or he may have understood that.

Q. Many things might have happened; what did happen?—A. I don't know; but I remember of that conversation about the law school.

Q. You do remember that?—A. Yes, sir.

Q. You said that you went to the House document room to obtain forms of resolutions?—A. Yes, sir.

Q. Whom did you see there?—A. One of the clerks; I don't recollect which one.

Q. What did he look like?—A. I didn't pay any attention to the gentleman.

Q. Was he white or colored?—A. I think he was a white man.

Q. You won't swear to that?—A. It was a white man, as I recollect, that got it. It may have been a colored man that I asked originally.

Q. You mentioned also at that time that you met Mr. Neff while you were on the searches for forms?—A. No, sir; I don't think I did.

Q. You certainly did. You said that you went to the House document room to obtain forms of resolutions. You said you went to the Senate then to get some forms and then you said, "I met Mr. Neff." Where was it you met him?—A. Mr. Neff had been into our office, but I never met Mr. Neff before the introduction of the resolution, after Mr. Lilley went away. I imperfectly understood the question if I gave that impression, that I met him at the same time that I went to the House document room; but I met him after that, after the organization of this committee.

Q. Was Mr. Lilley present at any of those meetings?—A. As I said, I believe that I met Mr. Neff at the hotel once or twice after this committee was organized.

Q. Please answer the question. You have met him personally every day since then, have you not?—A. Why, probably two or three times a week.

Q. You worked some in his office didn't you?—A. Yes, sir.

Q. Helping him get out these questions that were presented to us?—A. Yes, sir.

Q. Now, you mention meeting him in the office of Lilley, Swift & Co. What is Lilley, Swift & Co?—A. That is the business office of Mr. Lilley in Waterbury.

Q. What is the business conducted by that firm?—A. The wholesale meat and provision business.

Q. Who is the Swift?—A. I don't know. It is the firm name.

Q. Don't you know Mr. Swift?—A. No, sir.

Q. Where does he live?—A. I don't know Mr. Swift. I do not understand the organization of the company at all. Simply that Mr. Lilley manages the business there in Waterbury.

Q. Swift & Co. are not in Waterbury?—A. Not that I know of.

Q. With whom have you talked about the testimony you would give before us to-day?—A. Why, I do not know that I ever mentioned any testimony that I would give before this committee.

Q. I did not ask you whether you had mentioned any of the testimony that you would give. I asked you with whom you had talked about your testimony, about your being examined before this committee.—A. Why, I believe with Mr. Neff—remarked it would be a breach of propriety if the committee subpœnaed me, being Mr. Lilley's secretary.

Q. How did he come to mention that?—A. I was just discussing whether they would be likely to subpœna me.

Q. How did you come to be discussing that?—A. Why, simply it occurred to me, the possibility, and I wanted to ask his opinion.

Q. Did you talk with Mr. Neff about your having drawn this original resolution?—A. No, sir.

Q. You did not say anything about the original resolution?—A. I believe Mr. Neff expressed regret, the first time I saw him, that the resolution had been presented.

Q. Kindly avoid any unnecessary discussion, and answer the precise questions I ask you. Did he say anything to you about your having drawn the resolution or typewritten it?—A. No, sir; I don't recollect any such conversation at all.

Q. Was any conversation had about who did prepare the resolution?—A. No, sir.

Q. Or who had typewritten it?—A. No, sir.

Q. Was anything about who you would say did it if you were called to the stand?—A. No, sir.

Q. But Mr. Neff thought it would be very improper on the part of the committee to call you, you being a Congressman's secretary?—A. As being Mr. Lilley's secretary.

Q. He is a Congressman, isn't he?—A. Yes, sir.

Q. Did you help prepare the statement which was sent in to us, requiring us or asking us to subpœna Mr. Edinborough, of Bay City, Mich.?—A. No, sir; I don't think so.

Q. Did you help prepare the questions that were to be submitted to Mr. Edinborough?—A. No, sir.

Q. You didn't?—A. No, sir.

Q. Do you know who did?—A. No, sir.

Q. With whom else have you talked about the probability of your being subpœnaed here? When was this conversation with Mr. Neff?—A. At one time when I was in his office several days ago, perhaps a week or more.

Q. What made you think you might be subpœnaed?—A. Why, the general impression I gathered was that it had become an investigation of Mr. Lilley, and they would undoubtedly subpœna me and try to get something.

Q. From whom did you gather that impression?—A. From the newspapers.

Q. What newspapers?—A. Why, I had conversed with them often, and I conversed with a newspaper man in the Wyatt Building,

and he said the committee had become a joke and an investigation of Mr. Lilley.

Q. Who was that newspaper man?—A. I think a representative of the Cleveland Plain Dealer. I had gone to him with an interview after Mr. Lord had filed his libel suit, and a copy was sent us by some anonymous friends in Cleveland, stating that Mr. Lord was—that he believed Mr. Lord was a liar, and if he was the same Lord that had had dealings with him a year ago he was positive that he was, and he sent us a copy, stating that Mr. Lord had been in Mr. Lilley's apartment at the hotel, and as Mr. Lord had never been in Mr. Lilley's apartment, Mr. Lilley asked me, after Mr. Darlington had taken up his case, and requested that the papers bearing on the case—Mr. Lilley's case—he gave me a general direction to collect detail, and I thought this might be interesting to look up if Mr. Lord had stated that he had been in Mr. Lilley's apartments, and Mr. Lilley said he had never been in his apartment, and it simply would go to establish the lack of veracity in Mr. Lord. So I took this to the Cleveland Dealer correspondent and he said this was just a mistake; it hadn't been intended to use the word "apartment."

Q. What did they mean?—A. Simply the hotel; that he had met him at the hotel and had gone in the copyist's apartment.

Q. What other papers did you take to the newspaper people, or interviews? That was an interview you say?—A. That was a copy that had been sent us from the Cleveland Leader—sent from the Washington bureau, as it appeared, of the paper, and that was submitted by Mr. Lilley to the press committee.

Q. Then you thought the proper way to impugn Mr. Lord's veracity and show that he had testified falsely before this committee—you thought the proper way was to impugn his veracity, not before the committee, but through the newspapers?—A. This is in the matter of a libel suit. Mr. Lord has sued Mr. Lilley for libel, and Mr. Darlington is the attorney, and Mr Darlington requested the papers in the suit.

Q. Then the papers to whom you have given information labor under the impression that this investigation is a joke?—A. Yes, sir.

Q. You have rather circulated that impression, haven't you?—A. I don't know as I have mentioned it to anyone unless I reported it to Mr. Lilley. Perhaps I did report it to Mr. Lilley in connection with the statement that that was a mistake—that interview.

Q. We are not talking about that interview. You answer quite fluently on matters on which you are not asked, but not quite so fluently upon questions which are put to you. When you and Mr. Lilley came to the conclusion that it was a joke—is that what you mean us to understand?—A. No, sir; the newspaper men said the general impression among newspaper men was that the investigation had become a joke.

Q. You had been giving out a good deal of information to newspaper men, hadn't you?—A. Perhaps I have given copies of affidavits and copies—or prepared copies of statements submitted to the committee to let the newspaper men have.

Q. How many copies of the letter that was written when Mr. Neff was in Waterbury did you make?—A. I don't remember whether there was an extra one, beside the one that went to the Secretary.

Q. How many went to the Secretary?—A. Two, one mailed to one place and one mailed to his business office.

Q. What was the object of that?—A. Why, as I understood it, the Secretary of the Navy had gone out on his vacation, and they did not know which place he was in, whether he was at his summer home or at his business office, and so we sent it to both.

Q. Don't you remember that there were three sent?—A. No, sir; I don't recall three.

Q. Now, Mr. Webster, you said that you wrote and had put in the basket, I think you said Mr. Lilley's resolution with reference to extravagance in the navy-yard. Did you?—A. Yes, sir.

Q. You said that you prepared it at the same time that you prepared the resolution with reference to this investigation?—A. It is not the same resolution that went into the basket that I prepared at that time. That was a copy that I prepared, a copy for the basket with other data I had, relating to extravagance in these yards. I simply kept it on file and, as I remember, Mr. Lilley, when he prepared his speech for the House, that was typewritten right in as the first two pages when the final copy was made. I understood Mr. Lilley that the copy had not gone, and he asked me last Monday or Tuesday to make another copy, which I made, and one of the pages—Mr. Lilley had one of the pages present it.

Q. What did you make the copy from?—A. From the Congressional Record.

Q. When you originally prepared it?—A. I think I based the parliamentary form on Mr. Hobson's resolution.

Q. When you originally prepared that it was a separate paper or resolution?—A. Yes, sir.

Q. And not part of a speech?—A. No, sir.

Q. How did it become the first two pages of a speech?—A. The whole thing was assembled; there was another typewritten copy of the speech, and several clippings pasted on, and the whole matter was typewritten and the references placed in parentheses.

Q. What I am trying to get at is what became of the original paper that you prepared?—A. I do not know. It lay around the table. It may have been destroyed at the time it was copied.

Q. What was the necessity of destroying it?—A. Simply because it was further useless.

Q. It was put in the basket, wasn't it?—A. I did not understand about that, and Mr. Lilley did not understand it was necessary to put another resolution in the basket in addition to reading it on the floor, so I prepared another resolution, and after the speech had been put in the Record I did not see any further use of preserving anything, and they were probably thrown away. And still it may be with the different letters from Departments and Bureaus relating to extravagance in these different yards.

Q. Will you ascertain for us?—A. I can, if you wish.

Q. We would like to have you. Then you made from the Congressional Record the copy that became the original resolution, that you had put in the basket?—A. That is as I understand it now. If the original resolution that was presented on the floor by Mr. Lilley did not become the resolution, then I made the other. Our stenographer prepared the whole speech, as I remember it, from copies.

Q. Who is the stenographer?—A. A young lady. She copied all three——

Q. Now, then, you said you had the resolution put in the basket?—A. Yes, sir.

Q. The paper you had put in the basket, was that typewritten by you?—A. Yes, sir.

Q. And you copied it from the Congressional Record?—A. Yes, sir.

Q. And not the original paper?—A. It was not the original paper.

Q. Was it written on the same machine?—A. It was not written on the same machine.

Q. What machine was it written on?—A. Why, about four weeks ago we sent to Waterbury for another machine, one of our extra machines, that we have in the business office. We have two machines here in the office now.

Q. And this is written on the new one you got from Waterbury?—A. As I remember it, that resolution was written on the other machine that came from Waterbury.

Q. If you had two machines before, how did you remember that?—A. From the fact that I use that machine now.

Q. I thought you just sent a machine to Waterbury a short time ago?—A. Yes; and later we wrote and got another one, after that one had gone to Waterbury.

Q. How many machines are there in the office now?—A. Two.

Q. What make are they?—A. Underwood machines.

Q. Both of them?—A. Both of them.

Q. The overwriters or underwriters?—A. They are visible typewriters.

The CHAIRMAN. Is there any member of the committee who desires to ask any other questions? Is there any Member of the House of Representatives present who wishes to ask this witness any questions? Is there anyone else present, in person or by counsel, who desires to ask this witness any questions? [Mr. Littleton here presented questions.]

The CHAIRMAN. Mr. Stevens, will you ask these questions of Mr. Littleton's?

Q. 1. "When were you last in Connecticut?"—A. Either the 1st of October or the last day of September.

Q. Was that before you went to the law school?—A. Yes, sir. The law school opened October 1, and I was here in Washington that evening.

Q. You did not go home for the Christmas vacation?—A. No, sir.

Q. 2. "You said you had a conversation with Mr. Lilley in Waterbury about the proposed investigation of the Electric Boat Company. When did that conversation take place?"—A. I do not recollect having made such a statement.

Q. If you did have any conversation, then, it was prior to October 1?—A. It was during the summer, perhaps in the evening, when I had some business with Mr. Lilley at the hotel—he might have conversed at that time.

Q. And talked over concerning the investigation of the Electric Boat Company's methods?—A. Mr. Taylor may have come up in that conversation; I don't remember the occasion, but I remember that

he told me that one of the Waterbury manufacturers at that time—I did not know his name—had shook his fist at him because he had not voted for submarine appropriations.

Q. Did Mr. Lilley at that time tell you he thought that kind of conduct ought to be investigated?—A. I don't remember ever hearing him use the word investigate.

Q. But he thought that kind of conduct was reprehensible, did he?—A. Yes, sir.

Q. And that some kind of method ought to be adopted to stop that kind of proceeding?—A. Why, yes; I don't know that he ever made the statement except it was where—he made a mere statement of the fact; I do not know that he expressed any opinion at the time.

Q. But in his conversation with you at that time he condemned any of that sort of conduct and methods?—A. Yes; I believe in one of his letters to the Secretary of the Navy he also did. Perhaps I got the impression from that letter. I do not remember.

Q. But you do remember that there was some sort of conversation or statement from him condemning the methods of the Electric Boat Company?—A. At some time, I understand, he has given me that impression.

Q. And that occurred before you came down here in October?—A. Yes, sir.

Q. Where did that conversation take place?—A. Either at the hotel or in the office, or perhaps on the street.

Q. At Waterbury?—A. At Waterbury.

Q. 4. "What brought up the conversation?"—A. As I remember it in regard to the manufacturer, some letters may have come in from one of the manufacturers which introduced the subject, and he remarked that perhaps he may have seen Mr. Taylor—he may have mentioned Mr. Taylor after the meeting with him. I do not recollect the circumstances concerning that.

Q. Did Mr. Lilley appear to be on bad terms with Mr. Taylor?—A. I never saw them together.

Q. Did Mr. Lilley condemn the conduct of Mr. Taylor at that time?—A. I am sure I gathered the impression that he placed the blame on the Electric Boat Company for using those methods. I do not know that he ever said anything——

Q. Can you recall his language in which he placed the blame on the Electric Boat Company?—A. I can not recall that language. Just the impression I have of the source of the conversation.

Q. What was the occasion of your conversation; how did it arise at that time?—A. Why, I simply suggest the possibility; I do not recollect definitely the occasion on which it came up.

Q. You were discussing the subject with him, were you?—A. No, sir; he just mentioned the fact that Taylor had shook his fist at him. I do not think he mentioned the man's name at that time, but that a manufacturer had shook his fist at him because he had not voted for submarines. Perhaps it was after these other letters to the Secretary. I may have asked him about it. I do not recollect anything about it.

Q. But you recollect that was the impression upon your mind caused by that conversation with Mr. Lilley at that time?—A. Yes, sir.

Q. 5. "Was the reprehensible conduct of the Electric or Holland Boat Company the subject of conversation between Mr. Lilley and yourself as early as October 1, 1907?"—A. No, sir.

Q. You have answered that it was?—A. Mr. Lilley simply made this statement about the reprehensible conduct of the Electric Boat people, and the fact that Mr. Taylor shook his fist at him. I do not recollect what my statements were, or what led up to it.

Q. And that was before you came down here in August?—A. That was before I came down here in August.

Q. About how long before that, do you remember?—A. Why, as I remember it; Mr. Neff was there in August and I don't know whether it was preceding or following his visit that the matter came up.

Q. Was it before or after your letter of September?—A. I should imagine it was before the letter of September.

Q. It was between the time you became employed by Mr. Lilley and the time the September letter was written?—A. My statement in regard to the reprehensible practices of the Electric Boat Company, my information may have come from the last paragraph in the letter which condemned the practices of the Electric Boat Company, but I can not state whether it was at the time he told me about Mr. Taylor's shaking his fist at him he also condemned the Electric Boat Company or not. My recollection is he had.

Q. While Mr. Neff was there was any part of their conversation along the line of these practices?—A. I heard no conversations in reference to anything of that kind. The only conversation I recollect, in Mr. Lilley's presence, with Mr. Neff, that I had with Mr. Neff, was purely of a social nature.

Q. So the only conversation you heard about the practices of the Electric Boat Company was with Mr. Lilley in connection with one of these letters?—A. Yes, sir.

Q. Were you told by Mr. Lilley as early as October 1, 1907, that he proposed to push an investigation of the reprehensible methods of the Holland or Electric Boat Company?—A. I recall no such statement.

Q. At the time that he condemned these methods by his letters and his conversations with you, did he intimate that something ought to be done to stop them?—A. I do not know exactly what you mean by intimate.

Q. Did he state in his conversation that that sort of work ought to be stopped?—A. I could not say whether he definitely expressed the idea or not.

Q. Can not you remember any part of the words he used in talking with you about it?—A. I can remember nothing definitely except the last paragraph of the letter to the Secretary, which gave me the impression that there had been reprehensible practices, and the fact that he told me that Mr. Taylor or a manufacturer had shook his fist at him in Waterbury because he had not supported the submarine proposition there in Washington.

Q. Did he state to you at that time that Mr. Taylor had done that at the request or by the direction of the Electric Boat Company —A. As I remember he gave me to understand that he had. I can not state whether that information came to me since, from reading the testimony.

Q. But he did condemn the conduct of Mr. Taylor at that time?—A. He mentioned that fact, that he had shook his fist at him.

Q. How long after Mr. Neff was in Waterbury did you talk with Mr. Lilley about the investigation of the Holland and the Electric Boat Company?—A. I have stated I don't recollect the dates of this conversation at all. It was sometime prior to October 1, 1907.

Q. Was there more than one conversation?—A. I recollect nothing definitely except what I have stated of the incident of the manufacturer and the last paragraph of that letter.

Q. Did not that leave some impression upon your mind at the time?—A. Those two things, yes.

Q. Wouldn't you be likely to remember a matter that was of importance as that?—A. I remember those two facts.

Q. You were somewhat interested in public affairs, weren't you?—A. Yes, sir.

Q. And interested to find out how public matters are conducted?—A. Yes, sir.

Q. Did not a matter of so much importance as that impress itself upon you so that you know what occurred?—A. No, sir; I don't remember the conversation. I simply remember the facts.

Q. Exactly what facts do you remember?—A. Simply that I can positively state that my impression was that the last paragraph of the letter that was written in September to the Secretary of the Navy condemned the reprehensible practices of the Electric Boat Company and stating that it had made a great many enemies on the floor of the House on account of those practices, but I don't recollect the wording. And also that Mr. Lilley had stated that this manufacturer had shook his fist at him because he had not supported the submarines.

Q. Was that contained in the letter?—A. The fact that the manufacturer had shook his fist?

Q. Yes.—A. No, sir.

Q. And what else occurred at the time the letter was written about this matter; what else did Mr. Lilley say to you about this affair?—A. Nothing, that I remember.

Q. Where did it occur?—A. The letter was written in Waterbury in the business office there.

Q. And he dictated it to you, as you were in his office?—A. Yes, sir.

Q. Did he change it after it was dictated?—A. I don't remember whether he did or not. He may have done so.

Q. Did he make any statements concerning their conduct which you omitted from the letter as finally sent?—A. Yes, I believe that Mr. Lilley's copy, just simply a typewritten copy, and the last paragraph was not included, and the paragraph that went to the Secretary included the statement about the reprehensible practices of the Electric Boat Company and Mr. Lilley had that removed and made the other copy.

Q. From the copy that you furnished us, for this committee?—A. From the copy of it in the letter book; yes.

Q. At the time Mr. Lilley dictated that letter to you, didn't he indicate to you in some way about the nature of the practices of the Electric Boat Company?—A. No, sir.

Q. Didn't he describe what some of those practices were?—A. I don't remember any specific statement.

Q. Didn't he inform you in any way; didn't you have the curiosity to know what those practices were?—A. Why, I don't remember anything of that kind, any conversation at all.

Q. Didn't you ask him anything about those practices?—A. I don't recollect having done so.

Q. And he did not state anything further about them?—A. I do not recollect anything that he said at this time.

Q. Did you hear him talk with anybody else about the reprehensible practices of this company?—A. Why, I couldn't say positively, no; but I don't remember having heard.

Q. You were with him a great deal?—A. During business hours I was there.

Q. And took a great many dictations from him?—A. Yes, sir; any time I was there.

Q. Didn't he talk with anybody that you heard concerning these affairs?—A. No, sir.

Q. But you do remember this one occasion and this one conversation. and this one dictating?—A. Yes, sir.

By Mr. OLMSTED:

Q. You said that you and somebody else had considered that it would be very improper for the committee to call you to the witness stand, you being the secretary of a Congressman. Did you so state?—A. I don't remember that I did state that. It had been said to me.

Q. Who said it to you?—A. I understood Mr. Neff, as I said, made that statement to me.

Q. I will ask you if you prepared a written statement which was submitted to this committee by Mr. Lilley, beginning on page 15 of this testimony and then going over to page 17, in which he says, "I respectfully request that witnesses be summoned as follows." Then there is a whole lot of them until he comes to Frank L. Edinborough, of Bay City, Mich. Did you do the typewriting of that statement?—A. I don't think I did.

Q. Do you know who did?—A. No, sir.

Q. Then Mr. Edinborough was called and Mr. Lilley submitted a list of questions we put to him. Did you prepare that statement?—A. No, sir.

Q. Did you happen to know that Mr. Edinborough was the private secretary of Congressman Loud?—A. I understood he had resigned.

Q. That the information elicited by these questions was information which he had learned as secretary of Congressman Loud; you knew that, didn't you?—A. Oh, I understood that from reading the testimony.

Q. Did you think it was any more improper to call one Congressman's secretary than another?—A. Mr. Loud volunteered, as I understood it, during the testimony——

Q. But Congressman Lilley asked this committee to subpœna Mr. Edinborough, and at his request the committee did.—A. Yes, sir.

Q. And he submitted certain questions to us which at his request were propounded to Mr. Edinborough?—A. Yes, sir.

Q. And it now appears that those questions were prepared by the Lake Boat Company. Do you see any particular impropriety in calling, under all the circumstances?—A. If I understand it, there is

nothing reprehensible at all in the methods pursued. Mr. Lilley had said to me that they had always been on the square and——

Q. Who?—A. The Lake people. They had always been on the square in their legislation, and they had friends on that account in Congress, and that everybody that was interested in a good square deal was a friend of the Lake boat people.

Q. When did he say that?—A. He has frequently made that statement to me at one time or other.

Q. Where was that?—A. In our office, I believe.

Q. In Waterbury?—A. I think it was in Waterbury.

Q. In Washington also?—A. I think it was at the time of the letter to the Secretary in regard to open competition.

Q. That was last August or September?—A. The early part of August.

Q. He said the Lake boat people were good, square people and their methods were square?—A. Yes, sir.

Q. And that was why he favored them?—A. That was why he favored open competition.

Q. You said somebody said to you that this investigation had turned into an investigation of Mr. Lilley. When was that?—A. Why, I don't recollect which newspaper man—several newspaper men have been in the office.

Q. How long ago was it?—A. Two or three weeks.

Q. What had occurred at that time and in what way had Mr. Lilley been investigated?—A. Why, it was after the failure of the committee to produce the books of the Electric Boat Company, I believe.

Q. When did the committee fail to produce the books?—A. Why, the committee, of course, has not again—but the impression was that Congress would be in session for a few weeks, and it would take an expert auditor five or six weeks to go over the books, and the committee had not as yet caused them to be produced, and therefore it would be absurd to expect them to get all the facts before Congress adjourned.

Q. What particular newspaper reporter was it that said that to you?—A. No newspaper man gave those——

Q. Who did?—A. I don't remember whether I gathered it from my reading of the newspapers themselves, or some newspaper man.

Q. There has not been anything about that in the newspapers, that I have seen, unless you gave it out. Where did you get it? You have testified very freely about that, now where did you get it?—A. I don't remember which newspaper man it was.

Q. A minute ago you said you did not get it from any newspaper man.—A. Two auditors came in one morning and talked with me and told how long it had taken them, they said they represented a company and they had been connected with investigations and spent six or eight weeks going over the books, and had located the facts, and I got the impression from those two men it would take six or seven weeks.

Q. Who are they?—A. I have their cards.

Q. How did they happen to come to see you?—A. Three letters have been written to Mr. Lilley by auditors, asking to be employed,

and letters were on the desk, and these two auditors came in to see Mr. Lilley. I understood they had to leave town in a few days——

Q. When was that?—A. Why some two or three weeks ago I think it was.

Q. Did you employ them?—A. No, sir.

Q. Now you said a few newspaper men or two or three newspaper reporters told you these things. Who are they?—A. Two of the newspaper men, I said, made a statement in regard to the investigation of Mr. Lilley.

Q. Who are they?—A. I don't remember. Several newspaper men have been in there.

Q. Do you remember one of them?—A. I think one was the Associated Press man that was in there.

Q. What was his name?—A. I don't know.

Q. Johnson?—A. I don't know, the Associated Press men.

Q. Do you know them by sight?—A. I think this gentleman here is one.

Q. Which one?—A. The one at the end of the table.

Q. That good-looking man?—A. Yes, sir.

Q. He said that it was an investigation of Lilley, did he?—A. I don't know as he put it exactly that way. He said "The Lilley investigation."

Q. Oh, well, it has been called the Lilley investigation all the time, hasn't it?—A. No, it has not. It was the emphasis, the way he expressed it, that it was a Lilley investigation. It had gone into the Naval Department.

Q. I thought you said that it had turned into an investigation of Lilley. Who was it said that?—A. That is the impression I got from his statement.

Q. From this gentleman's statement, that because we had gone into the Navy Department we were investigating Mr. Lilley?—A. That from an investigation of Mr. Lilley it had gone into an investigation of the Navy Department.

Q. When did you gather the impression that we had been investigating Mr. Lilley?—A. From the newspaper men——

Q. When?—A. At the time he was there.

Q. When?—A. About a week and a half or two weeks ago.

Q. Where was it?—A. In Mr. Lilley's office.

Q. Was that impression based on the fact that we had subpœnaed all the witnesses whose names Mr. Lilley had given us?—A. I do not know.

Q. Or that we had put to them the questions he had submitted to us?—A. I simply based it on that remark. I didn't hear his reasons for making the remark.

Q. Did you gather the impression that because we had called the Lake boat people also that we were therefore investigating Mr. Lilley?—A. I had not thought of the matter very much.

Q. Think it over and see if you did not get all of that statement out of your mind right there.—A. No, sir; I did not. I heard those words.

Q. Yes; but the words you heard do not seem to bear out your construction. Now, you have talked about sixteen times of some

gentleman shaking his fist in Mr. Lilley's face.—A. I don't remember that I said that. I said Mr. Lilley had made that statement.

Q. That is what I am talking about. Did Mr. Lilley seem very angry?—A. He mentioned it just once.

Q. Why have you been mentioning it so very often?—A. As I understood it I have been asked that several times.

Q. No; I don't think it.—A. The fact came within my knowledge at that time——

Q. Was Mr. Lilley angry?—A. Why, my impression is that he condemned the Electric Boat Company for taking such a means to bring influence to bear on a Congressman.

Q. He condemned the Electric Boat Company because this man shook his fist in his face?—A. He said he had shaken his fist.

Q. Now, was he angry about this man shaking his fist in his face? Did you get that impression?—A. At the moment he did not express any anger to me.

Q. How did that make such an impression on you?—A. That he was angry?

Q. Yes.—A. I do not know that I said he was.

Q. How did it make such an impression on you that you could remember that when you could not remember much of anything else?—A. Well, this Mr. Taylor I had heard of; I don't know that Mr. Lilley mentioned his name, but naturally, being acquainted with the Waterbury manufacturers, I had an interest to know which it was.

Q. Did you know Mr. Taylor?—A. I did not. The first time I have seen Mr. Taylor has been here in this chair.

Q. You know Mr. Taylor and Mr. Lilley are very good friends to this day?—A. No, sir.

Q. Have you read the testimony in this case?—A. Parts of it.

Q. Well, you have read that they both said that they were good friends?—A. I believe I was here that morning when something to that effect came out.

Q. Mr. Taylor was asked this question:

> You did shake your fist at him. Was that in a jocular way?—A. Yes; a friendly way; and I don't think I have missed an opportunity to shake my fist at him and tell him to vote for submarines every time I have met him since.
>
> Q. Did he seem to feel that it was an intimidation or threat?—A. No, sir; he took it in a very friendly spirit.

And he afterwards called him "Frank;" and you intend to convey the impression here that something very severe had occurred, and it had impressed itself upon your memory, enabling you to remember that, although you forget so many things we have tried to have you remember. That is all.

The CHAIRMAN. You were subpœnaed with a subpœna duces tecum to bring all your stenographic note books from December 1, 1907.

A. I would be very glad to produce any I have.

The CHAIRMAN. You did not produce any, and it seems you are not a stenographer. On the examination by Mr. Howard you stated that you had the books, but you could not find them. I think if you will search that you will find these books; and if you will bring those books this afternoon, and also a copy of the original resolution of February 20, 1908, introduced by Mr. Lilley, and also all notes or drafts relating to that resolution or the matter of the investigation, and third, the

original House joint resulution which you say you wrote at the same time and which was presented by Mr. Lilley last Saturday, and fourth, all of your dictation note books from December 1, 1907.

The committee will take a recess until 2.30 p. m.

AFTER RECESS.

The committee met, pursuant to the taking of recess, at 2.30 o'clock p. m.

All the members of the committee were present except Mr. Broussard.

The CHAIRMAN. Will you take the stand again, Mr. Neff? You have already been sworn.

STATEMENT OF ABNER R. NEFF—Recalled.

By the CHAIRMAN:

Q. I forgot the other day when you were in here to have the member of the committee who had been asking you questions ask you about these subpœnas. The first day of the hearing Mr. Lilley gave the names of some witnesses for whom he wished subpœnas duces tecum to issue; and as the committee were not otherwise advised as to what was expected to be proven, by direction of the committee I sent those subpœnas to Representative Lilley, that he would have the subpœnas duces tecum made out, calling for exactly what he wanted; that then the committee would have them served.—A. After consultation with Senator Thurston, I prepared those subpœnas, the first few; there were several.

Q. These were at the suggestion——A. Of Senator Thurston, as I recollect.

Q. As to what to put in them?—A. As to what to put in them.

Q. Did Senator Thurston dictate the substance to put in them?—A. Not with reference to these subpœnas; I think he dictated it in some other form.

Q. But you put it in the subpœnas?—A. Yes, sir.

Q. That is the subpœna duces tecum for Isaac L. Rice?—A. Yes, sir.

Q. Norman G. Johnson, August Treadwell, jr., and E. B. Frost—those four?—A. Yes; I think those are the ones.

Senator THURSTON. I think, Mr. Chairman, I dictated one general form that Mr. Neff used.

By the CHAIRMAN:

Q. They came to you from Mr. Lilley?—A. Oh, the blank forms were handed to me.

Q. You consulted Senator Thurston about the matter, and he dictated one form to cover them all?—A. Yes, sir.

Q. And you wrote them on the typewriter and returned them to Mr. Lilley?—A. Yes.

Q. And they were received from Mr. Lilley?—A. I think that was the true course.

Q. Now, Mr. Neff, I will hand you this copy of a letter and ask you to examine it and identify it.—A. This letter was written last

summer after the Attorney-General rendered his decision, and Mr. J. C. Lake was sick at the time and could not go on the mission. I took the letter, but never presented it, because I did not need it.

Q. You have the original of that letter?—A. Yes, but I have lost it; this is all I could find.

Q. Will you take the stand and read that letter and tell us about it?—A.

[The Lake Torpedo Boat Company, submarine torpedo boats. Simon Lake, president; J. C. Lake, vice-president; L. B. Miller, treasurer; Henry J. Miller, secretary.]

WASHINGTON, D. C., *August 7, 1907.*

Hon. G. J. LILLEY, *Member of Congress, Waterbury, Conn.*

DEAR MR. LILLEY: As you are probably advised, the Attorney-General has given an opinion in accordance with our views—that the late legislation of Congress does not interfere with the absolute discretion of the Secretary of the Navy in awarding contracts for submarines. This of course is very gratifying, but strong efforts will be made by the Holland people to secure contracts for the greater part of the present appropriation of $3,000,000.

I had hoped to see you in person, but am confined to my bed under the advice of physician; and I therefore have asked the bearer, Mr. A. R. Neff, to go to Waterbury for the purpose of laying the matter before you. He will give you Mr. Thurston's brief, the opinion of the Attorney-General, and also show you the telegram and letters we have addressed to the Secretary of the Navy in California.

While we do not anticipate that the Secretary will authorize the Assistant Secretary to make these awards before the Secretary returns to Washington, yet there is danger that he may do so. In view of this, I trust that you will give careful consideration to the facts Mr. Neff will present, and I respectfully request you to address a telegram to the Secretary and supplement it by as strong a letter as I know you can write, urging him not to decide as to how the appropriation shall be expended until he can return to Washington and personally examine not only the reports of the seagoing tests, but the plans and specifications submitted with our bids. I am satisfied that if you will do this, the Secretary will become convinced that the Lake Company should be awarded contracts for at least one-half of the boats authorized by the appropriation.

That was our contention, that our showing entitled us to at least one-half of the appropriation. [Reads:]

This is a critical time for the Lake Company, and a decision in its favor along the lines suggested will be of the utmost value. Please make this letter to the Secretary as strong as possible, and I assure you that any efforts in our behalf will be very greatly appreciated.

You know that the strongest possible efforts will be made by our competitor to enlist some very strong political advocacy for their boats, and I feel that this is a time when the State of Connecticut through you can be heard to great advantage.

Respectfully,

_____,
Vice-President.

Q. How is that signed?—A. It was signed by Mr. J. C. Lake. But I never presented this letter, as I did not think it was necessary, and I simply explained in a few minutes what my mission was, and at that time we were very desirous that the Secretary of the Navy postpone his decision until he had returned, inasmuch as we had taken the entire matter up with the Secretary.

Q. J. C. Lake dictated this letter?—A. I think Senator Thurston was there when that letter was dictated.

Senator THURSTON. I dictated that letter at the hospital.

By the CHAIRMAN:

Q. But it was signed by ——A. By Mr. J. C. Lake. But, as I say, I never used the letter.

Q. It was to be delivered by you to Mr. Lilley?—A. Yes.

Q. On the trip to Waterbury, Conn., that occurred about this time?—A. That I referred to in my testimony; yes, sir.

Q. And in that letter it refers to certain facts which you were as the messenger to present to Mr. Lilley orally?—A. Yes, sir.

Q. That evidently he did not wish to put into writing?—A. Those were simply the facts; it was too much to put into the letter. It was simply the opinion of the Attorney-General and the proof, and I was to just explain to him what we wanted and he would not give me very much time, as he had some social engagements. Therefore I simply told him we wanted a telegram asking the Secretary of the Navy to postpone a decision in this matter until he returned.

Q. Do you have any other letter that you presented?—A. No.

Q. How did you make an appointment with Mr. Lilley?—A. Well, I tried to get him from Bridgeport two or three times, and the last time I understood he would be in Waterbury that night, and I simply took the train for Waterbury and went up to his hotel and sent my card up. He saw me, and I presented the matter, as I have already stated.

Q. You saw him the next morning?—A. Saw him the next morning and got the letter.

Q. He gave you a copy of the letter to the Secretary of the Navy?—A. He gave me ——

Q. The original?—A. No; he did not give me the original; he just gave me a copy of what he had written, as I understood.

Q. To the Secretary of the Navy?—A. Yes.

Q. Did Mr. Lilley hand that to you personally?—A. I think he called for it from his secretary at the time. I don't know whether he handed it to me or the secretary. I know I was in a hurry to catch the train.

Q. But the arrangement was two letters were written to the Secretary of the Navy at different addresses; do you remember that part of it?—A. Yes; I wanted to catch him; I was afraid he would leave; and if he left one place we would catch him at the other. I wanted to be absolutely sure.

Q. To whom did you make that suggestion, to Mr. Lilley or the Secretary, as to how they should be addressed?—A. I think I gave it to Mr. Lilley; gave it generally.

Q. So that you had considerable talk with him about the condition of the contracts?—A. No; I did not have very much time. I told him what I wanted; it was a very short talk, and there was very little said.

Q. Just in your own way, Mr. Neff, being familiar with all the transactions, kindly make clear to the committee just what the purpose was of a personal trip taking this letter with you and what the personal trip resulted in. In other words, what was there that could not have been done by correspondence or by telephone or by telegraph?—A. I felt this way, after talking it over with Senator Thurston, that the letter might lie on his desk for a week and that this was important. The opinion had not been made and we were three or four days late then, and his secretary might have gotten word, and he telegraphed right back he would be there and take it up that morning. We would all have had to go over the matter with the Assistant Secretary, the same as we had gone over it with the Secre-

tary; and inasmuch as we had taken the whole fight up with the Secretary we wished the Secretary to decide the matter himself. We also felt that the interpretation of the law said that the discretion was placed in the hands of the Secretary, and therefore we wanted it in the hands of the highest authority.

Q. You knew exactly the kind of a letter you wanted written to the Secretary of the Navy, if you could get it?—A. I had ideas what I wanted.

Q. Exactly what you wanted?—A. Yes, sir.

Q. You made those known to Mr. Lilley?—A. I told him it was in the interest of competition that this appropriation be divided between the two companies; that we felt our showing on this old, smaller, and less powerful boat was sufficient to show the practical data of our boat, and, taking those into consideration with our plans and specifications on file for a more superior boat and the reasonable price of the boat, that the Secretary would be warranted in giving us half. We never felt that we wanted the whole field at any time; the field was broad enough for all competitors; we wanted a just showing.

Q. Did you tell that to Mr. Lilley the next morning?—A. I think I outlined that to him in just as short a statement as I make to you in something like that language. He said, "Get up the telegram," and I went right to the desk and wrote the telegram, and I put it as strong as it was consistent with our purpose.

Q. You wrote the telegram?—A. Yes, sir.

Q. He signed it?—A. Yes, sir.

Q. And you sent it?—A. I went to the telegraph office and sent it.

Q. So far, that is all perfectly clear and straight, about the telegram. Now, about the letter; was that written that night?—A. I do not know when that was written. I simply left him and took a walk around the city.

Q. Then you went to his office in the morning?—A. Shortly before train time in the morning.

Q. And got the letter?—A. Yes, sir.

Q. What conversation occurred then?—A. Nothing more than he called his secretary and he wrote a letter.

Q. Right there, so that it will be perfectly clear in your own mind, he simply brought the draft of the letter and did you not make corrections, so as to have it in better shape?—A. No; I made no corrections. I never felt it incumbent upon me that I should.

Q. You do not know about a draft of a letter having first been brought down by the secretary and submitted to Mr. Lilley and then taken up out of the room and then rewritten?—A. I do not recollect that at all. I know that I went there for the letter with the understanding that the letter would be prepared.

Q. Was the final letter or a copy read before it was mailed?—A. He handed it to me to read.

Q. That is, while his secretary was there?—A. Wait just a minute. I am not just really clear as to whether he handed me it to read the details of the thing. I know I got the letter and saw something like it, and he was to sign it, and whether I brought the letter back with me or not I am not sure. I know that is what I wanted.

Q. Whether you mailed the original letter you can not say?—A. I don't think I did. What I wanted to do was to do so that I

got results up there. I wanted a copy to show that I had results. Whether I brought that back I can not say.

Q. You do not remember about the original draft of the letter and about its being read and rewritten?—A. No; I really don't remember the details.

Q. All that you saw, you went there to get a letter, that was handed to the secretary to mail, and you got a copy?—A. Yes.

By Mr. HOWARD:

Q. Have you any reason to believe that Mr. Lilley knew what your name was that morning in the office?—A. Simply presented myself as Mr. Neff, of the Lake Torpedo Boat Company, and that is the only way I presented myself.

Q. Did you pronounce your name?—A. Neff, N-e-f-f.

Q. Did Mr. Lilley hear it?—A. He ought to have.

Q. Had you any reason to believe that he did understand that that was your name?—A. I never asked him.

Q. Did he call your name again?—A. I do not recall that he did.

Q. Did the secretary call your name?—A. He may have, or he may have said, "This is the representative of the Lake Torpedo Boat Company," something like that. Whether he did or not I do not know.

Q. You do not know whether he ever called your name?—A. I do not know.

Q. When did you get back to Washington? That was in August?—A. Yes, sir.

Q. When you got back to Washington—that was in August?—A. That was in August.

Q. Did you ever see Mr. Lilley?—A. Yes; I saw him in the late fall, as I testified the other day.

Q. That is right; did he know your name?—A. I think I said my name was Mr. Neff, of the Lake Torpedo Boat Company. I don't think I did mention my name. Then he knew what my business was, but that is a detail I do not remember.

Q. You do not know whether he knows your name or not?—A. He ought to know it now.

Q. Before this investigation started, you do not know whether he knew your name?—A. No, I don't know; he ought to.

Q. He ought to to-day?—A. Not my full name, the last name.

Q. Neff or Neth?—A. A good many people do not get the last syllable.

Q. Had he any reasonable opportunity on account of reasonable business dealings with you to know whether your name was Neff or Neth before this investigation opened in this committee room?—A. I really could not say as to that. I said I had seen him two or three times; never more than mentioned my name to him. I did not think it was necessary to mention it to him after that; I do not think, unless his memory for names is good, that I had made any impression on him.

Q. You were getting what you went for each time?—A. Only this time for the letter, is the only time I ever got what I went for.

Q. That was important to you at the time?—A. I thought so.

The CHAIRMAN. To help Mr. Howard out in that question, he did not put it quite fairly whether Mr. Lilley had an opportunity to know

your name the time this investigation began; but did he have opportunity to know what your name was prior to the 16th of March, second or third day of the session, when the questions prepared by you and Senator Thurston were presented here?—A. I really don't know, because I did not take any pains to impress upon him my name. Oftentimes I am rather negligent about that. I go right up to people and forget those things, and talk what I am after.

The CHAIRMAN. But you left your card at the hotel at Waterbury? A. I gave it to the bell boy, and when he came down I don't know whether he kept the card or not. That would be simply a question of Mr. Lilley's memory—whether or not I made any impression on him or not.

The CHAIRMAN. After the introduction of the resolution, you saw him a great many times between that and March 12?—A. I did not see him very frequently. He would not give me any consideration, very much, before that.

The CHAIRMAN. What did he call you when you met him?—A. He just said: "How do you do?" as I remember it.

Mr. HOWARD. Simply a psychological question; it is a trick of the mind sometimes to leave off the last syllable of a name?—A. I hadn't any reason to withhold my name, or hadn't any reason to think that he knew what my name was.

The CHAIRMAN. There is no question of that sort at all about your withholding your name. The question does come up what Mr. Lilley knew about you on the 12th of March.—A. I really could not say very much about that.

The CHAIRMAN. We will call Mr. Hay.

TESTIMONY OF JAMES HAY, JR.

JAMES HAY, Jr., being first duly sworn, on being examined, testified as follows:

By Mr. HOWARD:

Q. Give your full name.—A. James Hay, jr.

Q. You are a son of Hon. James Hay, a Member of Congress?—A. Yes, sir.

Q. Of the Eighth Virginia district?—A. Seventh.

Q. Mr. Hay, do you know Mr. Webster, who was on the stand this morning?—A. I have seen him in Mr. Lilley's office.

Q. Do you know what his official relation to Mr. Lilley is?—A. His secretary.

Q. Did you ever receive from him any matter to be printed in the newspapers connected with this investigation?—A. He was the means of my getting some copies.

Q. Will you tell the committee, please, substantially what he did?—A. It was purely a matter of courtesy of Mr. Lilley. I had asked him whenever he was giving out anything to let me have a copy of it, and on this particular morning I went into the press gallery, and the man who has charge of it told me to call up Mr. Webster. Mr. Webster, in Mr. Lilley's office, had left word for me to call him up. I called him on the phone, and somebody answered and said he was Webster. I told him my name was Hay, and I represented the United Press Association, and he said he had papers he thought I would like

to see, and I told him—I was in a hurry—I would send a boy over. He said he had to have them back because he did not have copies of them. I went over after them myself, and Mr. Webster at the time was not in the room, and there was a young lady there, and I asked for the papers, and there was an envelope on the desk addressed to the United Press. She took that down and gave it to me, and it contained a copy of some affidavits. I am not sure whether they were the Butler affidavits or whether they were the affidavits made by two persons about money being paid by the Electric Boat Company to seamen who had worked on the Electric Boat Company's boats. It was either that set or the set about Butler's fees, and I took them back to the gallery and made a story from them and loaned them to two or three other men, and they made a story from them, and I sent them back that afternoon. I think they were the Butler affidavits.

Q. Is that all that transpired?—A. That is all.

By Mr. OLMSTED:

Q. Did you get some other sets of papers from him at other times?—A. He handed me one or two papers in this room on one or two occasions.

Q. Do you recall what they were?—A. As I said, I got both those sets of affidavits, one of them in an envelope, and then he handed me the other set one day here and said he had submitted them as evidence and that was a copy that I could use.

Q. Mr. Webster?—A. No; Mr. Lilley, in this room.

Q. Did you get any other papers from Mr. Webster?—A. No, sir.

Q. Did you get any information from him?—A. No, sir.

Q. And that is the extent of your dealings with Mr. Webster?—A. No, sir; except that I had seen him in Mr. Lilley's office.

Q. In your office?—A. In Mr. Lilley's office.

Q. Have you talked with him?—A. No, sir; not with Mr. Webster.

TESTIMONY OF BENJAMIN WEBSTER—Recalled.

By Mr. OLMSTED:

Q. You testified before recess to having written two resolutions at the same time, one for an investigation of the submarines and the other with reference to the pending motion with reference to navy-yards and their investigation. That is correct?—A. Yes, sir.

Q. You prepared them at the same time?—A. Yes, sir; that is, within a day or two; matters collected practically at the same time.

Q. Wrote them on the same machine?—A. Yes, sir.

Q. Both written by you personally, not by anybody else?—A. Yes, sir.

Q. I think you said that you had given the original resolution about the navy-yards, and so forth, to Mr. Lilley, and he has used it in part of his speech, as the reason that you had to make another copy from the record?—A. Yes, sir.

Q. We find that your memory is entirely correct in that regard, and we have procured here the original manuscript of Mr. Lilley's speech, and I wish you would see whether the resolution is there.—A. This is the resolution which I prepared this week.

Q. When?—A. I think it was on Monday. Mr. Lilley said that it had not gone into the official record of the resolutions, so I made this copy from the record.

Q. That is not the one you identified this morning; that is the one that you put in the basket; that is Mr. Lilley's speech?—A. This was made on the same machine.

Q. That is, as I understand, the original resolution that you drew at the same time?—A. No; that has been thrown away within a few days, within a week. This is on the machine I received from Waterbury. This is hectograph ink, and another machine. The original resolution I handed to Mr. Lilley. Mr. Lilley must have taken it with him. I was under the impression that it was on the same machine as this one.

Q. You do not know whether it was the same machine as that?—A. This was made on a different machine.

Q. When you mention "that" you refer to the balance of his speech?—A. Yes, sir.

Q. That is quite likely. If I understand you correctly, this was prepared to put into the basket originally. Is that the paper?—A. That is not the one I prepared originally. That is another copy I must have made at the time.

Q. Then where is the original?—A. We had a large demand for them from newspaper men. It must have been handed by Mr. Lilley to them. I believe Mr. Hallam said he did not have a copy of the resolution, and Mr. Lilley handed him one. He undoubtedly handed that original to him and had me make another.

Q. What did you make the other one from?—A. I had several carbon copies which I had prepared for members of the press.

Q. How long ago was that before the speech was delivered?—A. The speech was delivered on Saturday, that was either Friday or Saturday; Thursday I think it was.

Q. This seems to be a paper made to put in the basket. It is indorsed "Joint resolution by Mr. Lilley, of Connecticut." That does not appear to have been written as part of his speech. You see his speech begins "Mr. Speaker."—A. Yes.

Q. And this is written with the pen.—A. As I understand, Mr. Lilley took this original copy and undoubtedly gave it to one of those men to whom I had given a copy of the speech without the resolution; one of the newspaper men had gotten a copy of the speech and no copy of the resolution.

Q. Where would Mr. Lilley get anything to read in its place when he made his speech?—A. It was another copy of the resolution which was put into the basket. My first impression was that that was it, because it was made on the same machine this week.

Q. That original resolution you drew somewhere about the 20th of February?—A. Yes, sir.

Q. Is this it?—A. That is not it; no, sir; that has been made within a week.

Q. That is the joint resolution that Mr. Lilley read with which he prefaced his speech?—A. That is undoubtedly the copy he used on the floor of the House. That is not the one I originally prepared to go with this.

Q. When you say with this, what do you mean?—A. To introduce with this.

Q. What do you mean by this?—A. With this copy of his speech.

Q. When you prepared it on the 20th of February you did not prepare it as part of the speech, did you; you prepared it to put in the basket?—A. It was changed before I prepared it. I threw away that original, probably. I believe he had five members in the commission first, and changed it, reduced it to three, but the paper he had with him was drawn within two weeks. This was a copy of the resolution.

Q. Then what became of the original resolution?—A. The original I drew at that time we changed it from five commissioners to three commissioners; probably threw that away or marked it over. I had about fifteen to twenty copies for newspaper men.

Q. Then you say that this copy which Mr. Lilley read as part of his speech——A. That is the same machine as that.

Q. I understand; but when it gets into the record and you say that this is the same as that, nobody will understand.—A. The speech here is different from these three sheets. These were all made on the morning he made his speech, as I remember it, and originally there was a newspaper clipping from the Tribune pasted on another sheet on top of this. He had me copy this off so as to have it all typewritten and mailed together. That was mailed at the same time that that was.

Q. You mean that this copy of the joint resolution which Mr. Lilley read as part of his speech was written at the same time that the rest of his speech was?—A. I mean these first three sheets were written on the morning that he introduced it, owing to the fact that he had given away his original resolution to somebody, some newspaper man, and that was made from a newspaper clipping.

Q. Now, the third sheet?—A. Was made from a newspaper clipping.

Q. The first two sheets are a joint resolution, the third sheet begins "In view of the fact that Admiral Goodrich has been appointed to visit all the navy-yards," etc.?—A. Yes, sir.

Q. Those three sheets, you say, were written on the new machine?—A. The machine which came from Waterbury. That is not a new machine; it is one that has been used.

Q. When did it come from Waterbury?—A. I wrote for it five or six weeks ago; I do not remember the exact date.

Q. You do not know when you got it?—A. No, sir; it came within two or three days of that time.

Q. It is written on the same machine as the speech?—A. This is another machine.

Q. Which you got from Mr. Browning?—A. Came from Mr. Browning.

Q. That is a different machine from which the first three pages were written on?—A. Yes, sir; it is the same make machine, but not the same machine.

Q. I thought I understood you to say this morning the paper Mr. Lilley read was the original resolution Mr. Lilley prepared?—A. That was my impression; I had forgotten about his giving the other away.

Q. You do not know to whom he gave the other?—A. Except Mr. Hallan had been given a copy of the speech without a copy of the resolution, and he wanted a copy of the resolution.

Q. Then, Mr. Webster, have you no carbons of these three pages containing the joint resolution which Mr. Lilley read as part of his speech?—A. As I remember, I made simply the single copy which he wanted that morning to use on the floor from carbons which I had not as yet given out to newspaper men.

Q. If it was made for use on the floor, why did you put a backing on it "Introduced by Mr. Lilley?"—A. Introduced by Mr. Lilley?

Q. Yes.—A. It was my supposition that he would present it; that is, it would have gone into the basket the same as any other resolution.

Q. From what did you copy it?—A. From one of the carbon copies which I had there.

Q. Where is the carbon copy from which you copied it?—A. It has undoubtedly been given to one of the newspaper men. Several of them came in at that time, I do not remember who, but we had eight or ten of them, carbon copies.

Q. Of this paper that you wrote for Mr. Lilley?—A. Of the original, which he has evidently given to some one else; I don't know to whom; I imagine to Mr. Hallan.

Q. If he had given them all away, from what did you make a copy?—A. Mr. Hallan did not see Mr. Lilley at the office, he met him somewhere else, and Mr. Lilley had a copy of that speech, as I remember it, and a copy of the original resolution in his pocket, and I do not know what occurred, but he asked me to make another copy of the resolution that morning when he came in.

Q. After you had given away the last copy?—A. It was not the last copy; it was the only copy he had with him.

Q. Why was it necessary to make the other to be used in his speech if you had other carbon copies?—A. They were not made for use with his speech. They had corrections on them and he wanted to have a clear copy without corrections on it.

The CHAIRMAN. Are you ready to comply, Mr. Webster, with the request for the copies of the resolution?

A. I found none at all. I found none of those copies. I have looked through the drawers and found no copies of resolutions at all.

The CHAIRMAN. None of the drafts or suggestions of the first two?

A. No, sir; there is nothing there. I had not taken pains to copy it.

The CHAIRMAN. Did you bring your notebooks?

A. Mr. Lilley has those.

The CHAIRMAN. You found some?

A. The stenographer down there had found two, I believe, in the desk with her others. She had several others in. She had laid them out and Mr. Lilley had them when I went down. They were notebooks which I had used with some stenographic notes.

The CHAIRMAN. What dates were in?

A. None at all.

The CHAIRMAN. No dates or memoranda?

A. No, sir.

The CHAIRMAN. Used by any other amanuensis or stenographer but yours?

A. I believe one of them had some stenographic notes in of a fellow who came in of a couple of evenings to help me out on some letters I was not caught up on.

A. That was before the employment of this young lady as stenographer.

The CHAIRMAN. Who was it that came in?

A. I do not remember his name. I got hold of him through one of the business colleges by telephone.

The CHAIRMAN. That will be all.

Will you take the stand, Mr. Lilley?

REPRESENTATIVE GEORGE L. LILLEY—Recalled.

By Mr. HOWARD:

Q. Mr. Lilley, have you any additional facts within your own knowledge or information concerning anybody else's knowledge that would tend to establish anyone or any part of the charges made against the Electric Boat Company to furnish to the committee?—A. Why, I got some letters from various people who claim to know more or less about the Electric and Holland Boat companies. I have not saved very many of them. A good many were anonymous, and some of them from apparently crazy people, and I had one or two from John P. Holland that I presume from the tone of the letters I should think perhaps he might give some information. I would like to look them over before the close of the hearings and submit them to the committee, and let them use their judgment about summoning them.

Q. Now, have you anything else?—A. I would like to make a statement in regard to the testimony that I have listened to to-day, if you will permit me to do so.

Q. Why, yes; the fullest opportunity; there will be no limit to it, except time, and we will not cut you off. Before going into that, the committee would like to be advised if there is any other source of information in your possession that, if the committee had it, it could undertake to procure the testimony suggested by any information which you have?—A. Well, I would like to look through what correspondence I have had on the subject and refresh my memory, and I will take it up with the committee. I am not prepared to state at this moment whether I would advise any further summoning of witnesses, if you ask for my opinion, but I will do so.

Q. We want your information and we want your opinion.—A. Very well, I would be very glad to meet the committee and give it to them.

Q. You see if other witnesses are suggested and are to be subpœnaed, the more time we have to do it, the sooner we could get them before us is the point about that.—A. I am desirous of assisting the committee in any way that I can.

Q. We are desirous of having it in just what quantities and as rapidly as we can assimilate it. It is the desire of the committee to hear you in your own way and cover any matter that you desire to present to it.

Senator THURSTON. On this matter of witnesses, Mr. Chairman, if they have not already been summoned, the Lake Torpedo Boat Company would submit to the committee the propriety of summoning Mr. Flint and Mr. Hugh Grant Brown, or whatever his name is.

The CHAIRMAN. I thought it was stated in open committee that Mr. Berg, Mr. Flint, and Mr. Hugh Grant Brown were subpœnaed several days ago.

Senator THURSTON. I probably did not catch it.

The CHAIRMAN. They are subpœnaed to appear on Monday. Those are all that we have that have not been heard so far, and the committee did that on its own initiative. We thought it was just to both parties.

Senator THURSTON. I had taken it for granted that you would subpœna them.

The CHAIRMAN. It is one of the conflicts of testimony in this case, and the committee insists upon having it straightened out, if human testimony can straighten it out, and all three of them have been subpœnaed.

The WITNESS. I would like to take up first the visit of Mr. Neff, whose name I have become quite familiar with, notwithstanding the fact I could not positively state whether he spelled it 'ff" or "th" at the beginning of this hearing. I never charge my memory with men's names who come to me for the purpose of influencing my action in any legislative matters. As a matter of fact, there are a good many Members of the House who I can not recall by name. I presume the majority of them. I say, "How do you do?" to them every day; I do not think I have the happy faculty of remembering names, although I remember faces very well.

I knew whom Mr. Neff had represented because he had importuned me here in previous sessions of Congress. I have apartments at Hotel Elkton at Waterbury, and when people call to see me, if they are people I want to spend time with I always say, "Send them up," but when this card came I was going out and I am not quite sure whether I was going out of the hotel or going to attend a dinner party in the hotel that night. I remember very well I did not want to spend much time with him, and instead of having him sent to the room I went down to him. My impression was we did not sit down. I know I was in a great hurry, and told him so, and he outlined very briefly what his mission was, that he thought under the ruling of the Attorney-General that they were entitled to some part of the business. I did not attend the trials at Newport and had seen no report of the trials at Newport, and I got from him as briefly as possible just what he wanted, and it being a Connecticut company I assumed that he thought that perhaps it was my duty to ask the Secretary to withhold his letting of the contracts until such time as he returned. I think that was his purpose, and I said to him—and for no other reason than I was anxious to get away and was busy—"You just write a telegram there, such as you think covers your point." He told me, in effect, what he wanted, which I asked him to put on a telegraph blank, and he did so, and I signed it, and I don't know whether he sent it or whether I sent it, but I know I got away by telling him that I would see him the following morning. My impression is he wanted me to write a letter that night, but I did not want to wait to do it. The next morning, while I won't be absolutely positive, my impression is that I had dictated that letter before Mr. Neff showed up at the office, and that Mr. Webster had brought me down a copy. Perhaps I ought not to say dictated, I think outlined would be a better word, and he brought the copy down and I made

some changes in it, and sent it back. His office was upstairs in my place of business, and when I am home I am pretty busy business-wise. When he came back with that letter, if my memory serves me right, and I think it does, Mr. Neff was in the office and I think I handed that letter to him there and asked him what he wanted, and he said he thought it was a very good letter, or words to that effect, and that is all there was to that interview. I heard Mr. Neff and my secretary make some talk about going to the Georgetown Law School, possibly I said that Mr. Webster was going down on October 1 in order to attend the law school, and he said that he would be very glad to do anything he could for him here in Washington in the way of showing him around or locating him.

I do not just recall having seen Mr. Neff again until I landed here in Washington one morning with Governor Woodruff and a party of several hundred who had been down to the Jamestown Fair on Connecticut Day. I believe he called at the Raleigh Hotel where our party was stopping. The next time I saw him was when I came down here in the winter to attend the sessions of Congress, and I do not recall but one time that I had talk with him, and that was when he asked me whether, in the event of a resolution which was presented, if I would offer a resolution of throwing the matter open to competition, and I said, "I do not care to offer any resolutions for the Lake Torpedo Boat Company. You know how I feel about submarines." And—yes, I think that there was one other occasion he asked whether I would introduce a resolution or bill, rather, asking an appropriation of $3,000,000 for submarines, and I declined to do that. I am quite sure I told him I would not vote for a $3,000,000 appropriation for submarines, and I did not believe that any such amount would pass the committee. He afterwards did introduce a bill, which I think called for $2,000,000, but that was introduced by Mr. Sperry, of Connecticut. Some time during the Christmas recess—I am quite sure it was during the Christmas recess, although I am not positive on dates, I have not charged my memory at all with that—I got a telegram asking me to meet some Connecticut delegation, a delegation of some gentlemen from Bridgeport on a certain day. I paid no attention to the telegram, but I understand the rest of the delegation did meet here and had a luncheon here at the New Willard, and I think went to the Department. But after coming back here, I was telephoned asking if I would come to Senator Bulkeley's office at 3 o'clock. I said "Yes;" and I went over there and found some members of the Connecticut delegation, and I do not recall at the moment who or how many.

Q. Did I understand you to say Senator Butler?—A. Bulkeley. I think the two Senators were there, and one or two members of Congress. They wanted to know whether I would not go over to the Secretary's office in regard to the proposition the Lakes made to build a boat on their own account, to put up all the money themselves, and after its completion and trials, if it came up to certain specifications and requirements that should be laid down by the Department or the Secretary of the Navy, that they should buy that boat. I understood that the boat had got to be superior to any boat that had been built, and I thought that that was a fair proposition, and my colleagues seemed to think that I ought to accompany the

delegation, and did so. I was not the spokesman on that occasion. My impression is that I had nothing to say; that Senator Bulkeley did all the talking. Between the time that Mr. Neff asked me to introduce this amendment—yes, I think you would call it an amendment—to the motion that was to be presented, which I understood was coming from the Electric Boat Company, between that time and the time that I introduced my resolution I am not positive that I saw Mr. Neff at all; there seemed to be no one connected with the Lake Boat Company. He may have come to me after the boat was done; I think now he did, and I would say it was the same day that I met him in one of the corridors of the House and he asked me in what form the bill had passed, and I told him. In regard to introducing my resolution I want to make this point very clear. No person living connected with my submarine boat company or any other kind of a boat company ever had any talk with me about it in any way, shape, manner, or form, nor did I ever tell anyone that I was going to introduce that resolution except three or four members of the House. I judge from some of the questions that have been asked here that there may have been an impression formed in the minds of the committee that the Lake company had something to do with the introduction of that resolution, and I want to say that no person connected with them in any way, shape, or form ever had the slightest information from me or intimation from me that I intended to introduce such resolution, or any resolution, in fact. After the resolution was in Mr. Neff came to see me two or three times, and I gave him very little satisfaction. I told him that I thought I had sufficient evidence, or could procure sufficient evidence, to substantiate the charges that I had made. He suggested or asked if I would not like to meet Senator Thurston, and I said "Yes, if he can give me any information, or if you can give me any information I would be glad to have it." Now, at the beginning of these hearings I assumed that the committee would be very glad to have me assist them in any way I possibly could in securing evidence or securing witnesses or submitting questions, and therefore I believed that it was in line with assistance to this committee that I find out all I could from whatever source I could, and I welcomed any suggestions from Mr. Neff or Senator Thurston, even asked if it was not proper for me to retain him to examine and cross-examine witnesses. He advised me to get counsel from home, some one in whom I had confidence; that he could not accept any employment from me in view of the fact that he was representative or counsel for the Lake Boat Company. Any information or suggestion that I got from Senator Thurston or Mr. Neff I welcomed, as I would have welcomed them from any source. I assumed the committee would be equally desirous, and I have no doubt they were and are, to obtain information from any source.

Q. Speaking for myself in that connection, while I have felt absolutely confident that you fired the gun, I thought from some patches of some of the wadding that somebody else had loaded it, and my anxiety has been to discover as far as I could whether the character of the load was intended to discover the truth or to conceal some other motive. That is my position.—A. I had no selfish or ulterior motive in introducing my resolution. If the conditions, so far as these two

boat companies are concerned, had been directly reversed, the fact that the Lake Boat Company was a Connecticut company would not have made the slightest difference to me; I would have introduced that resolution to investigate them if I had believed that they were employing the same methods that the Electric Boat Company—that I believed they were employing, I would have drawn the resolution just the same. I simply wanted the Government to get the very best value for its money they could get, just the same as I want a private individual or corporation to get. I sincerely believe, and do now, that there is a very handsome profit in submarines at $475 a ton, as Admiral Bowles testified, and as Admiral Melville testified—I think his price was $775—and as Admiral O'Neil testified, his price being about $800. I believed that the Government was paying an excessive price, and do now. I believe that the Government has paid $400,000 more for the boats that it now owns and has under contract than it ought to have paid, and I believed if this present bill went through as it passed the committee, appropriating $3,500,000 for eight boats, that they would have paid fully a million and half dollars more than those boats could be contracted for, and I had no animus whatever in introducing that resolution, and no matter what any person may think, I was actuated by the highest motives. I believed that I was doing my duty under my oath of office.

Q. Now, if it does not interrupt you, it is material, to my mind. The charges are charges essentially of fraudulent methods on the part of the Electric Boat Company that tended to corrupt Congress to legislate in their favor, and while you have said several times in the course of this hearing that you charged no particular Member of Congress with being corrupted, your insistence has been proof that corrupt methods were employed. I have been unable in my mind to separate an active agency of corruption directed to Congress and Members of it, and still further specialized by the Committee on Naval Affairs, it has been to me inconceivable that those active agencies of corruption should have been in operation and nobody toward whom they were directed affected by it. Therefore I would like for you to explain to the committee when you made these charges before the Rules Committee whether you had the proofs then in your possession and at your hand to support that that you assured the Committee on Rules that you had, and to separate and make as plain as you can to this committee what you had of your own knowledge and what you had on other sources of information distinct from what you expected to get from the Lake Boat Company. I would like to know what you depended on to prove this independent of the Lake Boat Company and how much you expected to get from the Lake Boat Company in order to prove it at the time the charges were made.—A. I did not expect to get anything at the time from the Lake Boat Company. I don't know even whether they knew the things that I knew——

Q. One minute, because the opportunity for cross-examination may deprive you of the opportunity to answer this. It has appeared in this evidence that the original charge submitted by you to the Committee on Rules was prepared by Senator Thurston, the attorney for the Lake Boat Company.—A. Will you please give me those original charges. [Charges handed to the witness.] I think that I suggested most of these things to Senator Thurston myself.

Q. You see the significance of calling your attention to the fact that at the very outset the charges themselves were drawn by the attorney of the Lake Boat Company—A. I had no attorney here. I do not recall that Senator Thurston embodied anything here, except my ideas and suggestions. I do not see here the charges that I made.

Q. See page 14.

The CHAIRMAN. The whole proceedings of the Committee on Rules begin at the top of page 4; first your resolution and then a full account of the Committee on Rules.

The WITNESS. What page?

The CHAIRMAN. Reports with the proceedings before the Committee on Rules, including your authorized interview in the Post. Go from page 4 to page 13, inclusive.

The WITNESS. So far as the first one is concerned it has been common knowledge that they have employed a large number of attorneys to represent them. So far as the second one is concerned Mr. Frost of the said company has been a continuous visitor at Washington during Congressional sessions, and that he has spent large sums of money in furnishing entertainment to Members of Congress, and that his expenditures along this line amount to thousands of dollars. That has been common knowledge. Those, I did not have to have anybody's advice on those. The amendment and the resolutions offered in committee I knew very well were prepared, or believed they were prepared, by the Electric Boat Company from the fact that one of their attorneys handed me one, Mr. Kellogg, which he has testified to. That these resolutions were intended to destroy competition, that was apparent to anyone that sat on the Naval Committee. In regard to the contributions to campaign funds, why, there were several rumors of that abroad, also, and that is why I said that an examination of the books and the records of the company and its predecessors would show it. Now, I do not expect those books will show any names that checks were drawn for campaign funds, but I do expect that there will be some such fund as the "yellow dog" fund in the New York insurance company investigations, wherein a man by the name of Hamilton, I think, had expended a very large sum of money for which no accounting has been made. I think the books will show that there was a very large sum of money expended by this company; I haven't any doubt of it, and that with the newspaper reports, with the circulation of tinted news, some one has said, that has been in the hearing. I believed that if I did not know but even a small percentage of the actual things that these people had done, such as hiring attorneys in Congressional districts and saying to Members that they had influence to get them on the Naval Committee; if I did not know but a small percentage of all the things this company had done, when I was to give evidence of all they had done, it permitted them to cut their course accordingly, whereas if they had come on in the order I asked for they would not have known what I knew and it might have been possible to have brought something out from the officers of that company.

By Mr. HOWARD:

Q. Now, you mean by that to say that the testimony that has been delivered has been false testimony?—A. I do not mean to say anything about it. I think that they had a chance to, as I say, cut their course accordingly, according to my knowledge.

Q. Let us get that into language that carries but one meaning, and that a common one to everybody. You think that the method of examination has facilitated false swearing on the part of the witnesses in avoiding the charges?—A. I think it was unfortunate in my disclosing my knowledge to them before they were summoned.

Q. Now, then, what was your knowledge?—A. I have expressed it here.

Q. Let us distinguish between charge and proof.—A. I understand that it was very difficult to prove——

Q. One moment. Your charges were made public, were they not, before you were called upon to name or call a witness?—A. Yes.

Q. These charges were measurably specific, were they not?—A. Yes.

Q. That is, each charged some distinct thing, and in language capable of comprehension; they were specific, in other words. Now, then, can you point where any evidence that you had or any witness who was called first or by reason of being called last was thereby able to conceal the tuth and not be discovered or contradicted by anything in your knowledge or by any power in the committee to bring about a contradiction?—A. Well, I would not discover, perhaps, what my counsel might have discovered. I do not make any pretense to know anything about law.

Q. As a question of fact a liar is not confined to the law. You are discussing facts which are absolutely immaterial about the forms of law, bear no relation to it. If you can point out, now, any single instance where you think false testimony has been given, and that its falsity can be detected by reason of the order in which the witness was called to testify or the manner in which he was examined, give us an opportunity now to correct it.—A. I am not criticising the committee in the examination of its witnesses.

Q. Nobody has got their feelings in this now, not a particle of feeling; there is no resentment in any of these questions, not the slightest.—A. I understand that, Mr. Howard. There have been some affidavits introduced, I think, to contradict some of the testimony, which shows that some of the testimony given is not in accordance with the affidavits, and I expect to present some others before the final closing that I think will controvert some of the testimony from other witnesses.

Q. Is there anything else on the line of evidence that you want to go over in a general way. I do not want to be understood as interrupting you in any connected narrative that you want to make.—A. Oh, in regard to this newspaper work. I want to make this statement to the committee, that in the committees in which I have served and in the House I have always supposed that when papers were passed in they were public property. I thought that laying papers up there to the committee was the same as reading them here. I believed that when those papers were laid in was equivalent to reading them. I might have taken that little time it would have taken and read them. Thinking, then, there was no harm in giving them to the press, I caused those copies to be prepared in all but the M. C. Butler instance. In that I reprimanded my secretary for giving it out, because it had not been laid on the table. So that whatever there is there is on me and not on Mr. Webster, except as regards the M. C.

Butler matter. All that I gave out was, I thought, subject to release after it had been handed to the committee. I did not know that the rules here were any different from what they were over in the House. I do not recall having given out anything at all to be released after it was handed in to the committee, and so far as the resolutions referred to here were concerned, those resolutions were framed exactly as Mr. Webster said. I asked him to draw up those resolutions, and I think I corrected them a number of times before they were introduced, before the ones on the navy-yards were, and that was no one's ideas but my own. That dates back to the inspection last year of yards and docks on the *Dolphin* by the Naval Committee. When we finished our inspection we happened to land at Boston and I happened to be the first one landed and there was a reporter of the Boston Globe there. I then gave him my impressions of the navy-yards and naval stations, practically embodied what I stated the other day in the House; practically covered that resolution—that we had too many and some of them useless, owing to the fact that they could not get any ships to them. Nobody had anything to do with the forming or framing of those resolutions. I don't know but what the committee gained the impression that I took Senator Thurston's or somebody else's advice on those. I had not consulted with them at all.

Q. That was a mere technical fact, if it was proven to be a fact. It is not a significant fact that the committee was after. In that connection I ask you the question: The fact that nobody came to you and asked you to draw this resolution in this inquiry, nobody urged you or telegraphed you or elbowed you into it?—A. No one did.

Q. Or by any system of telepathy induced you?—A. No one did.

Q. Or by mental suggestion induced you to do that? It was a matter of material inquiry as to whether it had been the policy of the Lake Torpedo Boat people to inaugurate this kind of an investigation; that was a material matter of inquiry, not whether they suggested it to you at this moment or time, but it is a part and in keeping with a policy of the company. We conceive that it could be entirely possible that you could become the unconscious agent. Now, then, in that connection, have you any knowledge of the resolution introduced into the general assembly of Connecticut seeking to instruct the Connecticut delegation in Congress to bring about an investigation of this sort. Have you ever heard it?—A. Absolutely no knowledge whatever.

Q. Have you never heard of it?—A. I never heard of it until last night. I was in the Connecticut general assembly in 1901, and I will say to this committee if such a resolution has been introduced into the general assembly and been passed by both branches and signed by the governor that it would not have had any effect on my position, because that very same thing happened on the appropriation to the Jamestown fair. That very same thing, instructed by the State legislature and the resolutions sent to me with the governor's signature and a great gold seal, and I voted against it just the same, and I have been invited this session of Congress to use my influence to have the Jamestown Exposition sold to the Government by the commisioner of the State of Connecticut. I said to him practically what I said to Mr. Ferris, "Do you want the United States Government to buy out some millions of dollars of something they do not

need in order that Connecticut may sell its house, its property down there at an increased price of possibly some $10,000?" That was held up to me by one of those commissioners as a reason why I should vote for a disposition of the Jamestown fair grounds to the Government, in order that the Connecticut property, the Connecticut building, could be sold.

Q. And you resisted?—A. That is my reply to that.

Q. Your capacity of resistance, however, often demonstrated, does not affect the question I have asked as to whether or not it is in your knowledge as to whether or not it has been the policy for several years of the Lake boat people to bring about this investigation, not through you, but to have it done?—A. I know there has been a feeling among the Lake boat people that they have not had a square deal down here, but I have never personally expressed the opinion, at least I have no recollection of having ever done so, that they were not having a square deal. I have undoubtedly said that I want all companies to have fair play, and that all the business should be open to competition, and that all the business should be left in the Department, where I believe it belongs. I have heard the Lake people have complained of treatment. I am not prepared to say whether there is any grounds for those complaints. I believe now that the Electric Boat Company, in the competitive trials at Newport last year, produced a better boat, and won out, but I do not concede it to have been a better boat than one can be built. I believe either can build a far better boat.

Q. If the Lake people conceived it desirable to institute this investigation, would that differ in conclusion from the one you reached in respect to the same matter?—A. If the Lake people had come to me, to use me as an instrument to start this investigation, I would never have touched it.

Q. Why, isn't the investigation, in your judgment, proper? Was it when you undertook it proper?—A. It was proper for me to undertake it, but it was not proper for me to undertake it at the instigation of a boat company, and I would not have done it at the instigation of any competitor.

Q. Proper in itself to do it, yet improper to do it because persons interested in the result suggested it?—A. I have answered that question.

Q. And that is your view of it?—A. That is my view of it.

Q. But if it is a proper thing to do by you it would not have been an improper thing to have wanted to have done it in other people?—A. I do not know that it would be an improper thing for me to have offered their motion when the motion came before the committee as a substitute, but I would not do it. I don't know but what it would have been a proper thing for me to have introduced the bill asking an appropriation for submarines, which Mr. Sperry afterwards introduced, but I would not do it.

Q. Do you mean to say you refused to go to the banquet which Mr. Lake gave?—A. I did not go.

Q. Did you refuse to go because of the place and the purpose of it?—A. No, sir; not on that account.

Q. Then I have no further questions to ask about the reasons. Did you decline or refuse to go to the Navy Department with the Connecticut delegation because of the place or because of the people who

went there?—A. No; I went with the delegation. I should probably go with the Connecticut delegation to any Department on anything that was concerning Connecticut business.

Q. Did you regard the letter which you wrote and the telegram which you sent to the Secretary of the Navy an improper act on your part?—A. No, sir.

Q. Were you not moved to do that by the attorney or the agent of the Lake boat people?—A. I was moved to do that because I was in favor of open competition in order that the Government might get the very best possible value for its money.

Q. Well, I understand that. If the Lake people furnished that best thing and made the sensible contract, they would have had a profit, presumably reasonable, and if a profit they would have been benefited, would they not?—A. If the profit was not excessive——

Q. I say reasonable.—A. Or an undue profit.

Q. A reasonable profit they would have been benefited?—A. Simply the question resolves down, then, to what a reasonable profit is.

Q. Is that the basis of decision on your part that determines whether you will aid these people as your constituents or whether to stand aloof from them?—A. If these people as my constituents are following a proper course and are giving the Government value received, certainly.

Q. Were you familiar, either in whole or in part, with the things that have been proven since this investigation was begun that were done by the Lake boat people to secure business with the United States Government?—A. Since this investigation began?

Q. Proven in this investigation; had you knowledge of those things?—A. You mean the contract for the one boat?

Q. No; let us go over it. Did you have knowledge before this investigation was begun that the Lake Boat people had lawyers employed in the city of Washington and other places to represent their interests here?—A. I knew it had one lawyer employed here.

Q. Did you know who he was?—A. Senator Thurston.

Q. A host in himself, wasn't he? We will not quibble about that, the Senator's reputation.

Senator THURSTON. I will admit that they did not need another here.

Q. They had other agents here?—A. One.

Q. Now, then, were you aware of the efforts of these agents in matters of publicity, having publications in the interests of the Lake Boat people?—A. No, sir; I was not.

Q. Did you see the articles written by Mr. Skerrett in the Scientific American?—A. I did not.

Q. Have you seen them?—A. I have not, except that someone held one up the other day.

Q. Have you ever seen articles written in Harper's Weekly?—A. I have not.

Q. Have you ever seen articles in the Army and Navy Journal?—A. I have never seen any article in the Army and Navy Journal.

Q. The Army Register?—A. No; I have seen copies of that, but I did not know who wrote them.

Q. Then you mean to say that you had no knowledge that the Lake Torpedo Boat Company has for a series of years procured to be pub-

lished, paid for the publication, of articles in journals in Europe and America?—A. No, sir; I did not.

Q. Setting forth the advantages of its boats, its inventions to the different nations, you knew nothing about that?—A. No, sir; I did not.

Q. Is that or is not that similar in character with one of the charges you have made as evidence of undue influence of legislation by the Electric Boat Company?—A. Yes, sir.

Q. Is it not true that one of the charges you have, or offered proof, of reprehensible methods you charged against the Electric Boat Company the fact of the attorneys they had and the number of them, and where they were engaged, and the number of attorneys the Electric Boat people have employed and the places where they are engaged?—A. Where I said yes, sir, a moment ago; that is, if that is true, I do not know now that the Lake Boat people have done those things—if true.

Q. Now, you make that answer without reference to the quality in this matter, without reference to the quality of these publications?—A. I have not seen the publications. It depends upon the character of the publications.

Q. Of course it does.—A. I have not seen them.

Q. If the publication is clean, if the publication is fair, if the publication is an effort to communicate from one intelligent mind to another intelligent mind, how can it become a means of corruption or constitute a reprehensible practice?—A. It can not; if they are clean and correct.

Q. Now, going into the matter of contracts and character of services of attorneys employed by the Electric Boat Company, can you cite now as evidence of its reprehensible methods that the employment of attorneys, too many in your judgment, that they are possibly too numerously distributed in your judgment for honest attorneys' work—you have enumerated those things? Now, have you examined the proofs that we have been able to gather in support of those things?—A. Well, I have not examined all of the evidence, if that is what you mean?

Q. That is what I mean.—A. I have not examined it all.

Q. Have you any additional evidence to support any of those matters?—A. I think I handed the committee names of some more attorneys that they failed to get.

Q. That would not go particularly to the character of work of those whose names were accounted for; that would simply go to swell the list of attorneys?—A. I do not think it is right for them to employ any such army of attorneys to secure legislation. I think if they have got goods to sell they ought to stand on their merits.

Q. Have you drawn out of the evidence as we have had it, have you drawn the distinction between attorneys that were employed eight years ago and dropped from the service, six years ago and dropped from the service, employed four years ago and dropped from the service, and tried the Electric Boat Company by the number of attorneys now in its service, or rather by the aggregate of all attorneys who have been employed by it for ten years?—A. My resolution was introduced for the purpose of going back ten years or more.

Q. Have you kept up with that evidence?—A. I can not say that I have, Mr. Howard.

Q. I am asking you this in this way for the purpose of getting any additional fact or evidence, or suggestion of evidence, before we close this hearing.—A. Is that a question?

Q. That is the suggestion, the question is, Do you know anything else in addition to what has been proven; do you know any witnesses other than those you furnished that would tend to show that the attorneys employed by this corporation have by reason of their acts tended to corrupt or attempted to corrupt or coerce or compel legislation in their acts?—A. Not of my own knowledge.

Q. Now, is there anybody else who has got any knowledge?—A. I have an affidavit that I will introduce that will add something to the testimony already presented.

Q. In that line?—A. Yes.

Q. Is it of a person that this committee could reach by subpœna?—A. I gave the name to the committee some time ago and could not locate him. It was Henry Catlin.

Q. Have you been able to locate him?—A. No; it was when the Holland boat was down the river, sowewhere in 1900 or 1902—1900, I think.

Q. Have you heard the evidence of that down-the-river matter?—A. This controverts that evidence somewhat.

Q. Were you familiar with the efforts of the Holland boat people to display their submarine boat—not the *Holland*, the *Lake*?—A. The Lake Company invited members of the Naval Committee to go to Bridgeport and see their boat, I think it was a year or more ago, and I supposed that quite a number of the committee were going for that purpose, a trip of education and not of pleasure, because I remember very well that I was busy and did not want to go at all, but I did go down, and I met there only one other member of the committee, and when we got out in the sound some miles, and I think no sails in sight, we were invited down into the cabin, and my colleague expressed some surprise and was somewhat disturbed when we found that we were submerging, but we went down in the Lake boat, and I was mighty glad to get up.

Q. Were you entertained with any refreshments of any kind?—A. I had some boiled potatoes and rice and beef.

Q. And some coffee?—A. I think so. They wanted to show us that they could cook on that boat.

Q. Did you partake of it?—A. My appetite was not any too good, to be frank. I wanted to get up to the top of the water; I presume I did; yes, I took some of it.

Q. Do you know any other persons who have been entertained on the invitation of the Lake people on the Lake boat?—A. I only know of one.

Q. Do you know whether they invited others and many others than accepted?—A. I understood that they invited the Naval Committee. My impression was that they invited the whole committee, but I am not sure of it. As a matter of fact, I am not sure of my own knowledge that they invited anybody except me, but I met one of my colleagues of the Naval Committee there.

Q. Why did you make that experiment?—A. I did it because I thought it was a duty, because of the fact that I was on the Naval Committee, to know something about the things that we were appropriating money to purchase.

Q. If you had been given an elegant lunch and had been given a drink of liquor of your own choice on the occasion of your going down, would it have changed the serious purpose for which you went there?—A. No, sir.

Q. Would it have been likely to have affected your judgment as to what you, as a Member of Congress, should have done after you got back up?—A. I don't think it would.

Q. If Congress was a thing to have been influenced—and I mean influenced or instructed as to what this submersible thing was—if Congress was a body of men to have been instructed upon what the submarine was and what it would accomplish, in view of Government probable use of a submarine, and all of Congress had been invited and all of Congress had accepted, and all of Congress had gone down, and all of them had accepted and gone down for the serious purpose of understanding what it was that a submarine boat could accomplish, would the fact that all of them went change the serious moral quality of the act of going down there?—A. I don't think it would, unless the entertainment had been too lavish.

Q. If the entertainment then furnished to all rather than to one had consisted of bread, meat, and wine, would it have been any more wrong for the whole Congress than it would have been for one man in Congress to have partaken of it?—A. The same answer.

Q. What is that?—A. I don't think it would, if it had not been too lavish.

Q. Do you mean, or do I understand you to mean, that by being too lavish it was possible for a man to have had his judgment affected by eating or drinking to excess of that favor shown him of a free lunch, including a free drink, so that it would have lasted him until he got back to Congress, and would have biased his judgment in favor of an appropriation for submarines, without which he would not have favored it?—A. I should hope not, if it were not too often repeated. We can conceive a man who gives lavish entertainments and invites people to them, not once, but on occasions, that there might grow up a sort of friendly feeling there that perhaps would unconsciously affect his opinion somewhat.

Q. You are by no means wrong about that. The Arabs have that same idea, that if they can get a person to partake of their salt they can always count on their friendship. If that operates very generally, did it operate on you?—A. No; I did not have any better opinion when I came up and went home of submarine boats than I did before I went down.

Q. Let us pass on to another phase of this particular language in this charge of yours. Is it not your opinion that if the Lake people had made their exhibits in the Potomac instead of at Newport, and had done it at a time when Congress was in session, they would probably have gotten a greater number of persons to go down in their boat?—A. Very likely.

Q. If, then, the Holland people brought their boat down into the Potomac and kept it here and made repeated exhibits, and did so on the idea that some Members of Congress would go down on this trip, and others go down next week on another trip, and still others and others, and in the course of a month or six weeks numbers of Members of Congress would have gone down in their boat, it would have generally circulated an idea of what submarines were?—A. A rea-

sonable extent could not be objected to, but I have an affidavit from a lawyer, who was told by another lawyer, that that campaign that year the company spent $75,000 for. I would think that would be excessive. A reasonable and proper expenditure in showing their goods I would not object to.

Q. Now, then, we want additional proof on that point. Do you have it?—A. I will hand it in to you.

Q. You have stated that you knew nothing of the purpose of these Lake people to instigate this investigation, that so far as you know and so far as you have heard you knew nothing of any purpose of theirs, and that you reached your conclusions in your own time and in your own way, and acted on your own initiative in doing it?—A. Yes, sir.

Q. Is it not true that you consulted with Lake boat counsel?—A. Absolutely not.

Q. Is it not true that you drew on Lake boat resources for information?—A. Do you mean in introducing my resolution?

Q. For the purpose of supporting your resolution?—A. After it was in?

Q. After it was in.—A. I beg your pardon; I want to correct that last answer. After the resolution I drew from every source obtainable, and I am still drawing.

Q. From every source obtainable?—A. Yes, and I am doing it to help the committee get all the evidence that can be obtained.

Q. Now, that being true, are you satisfied that you have exhausted all sources of evidence, including all that the Lake people themselves have? You are friendly to them, are you not?—A. I am friendly to every man and every company. I have not a grudge against any man living.

Q. Perhaps I have used " friendly " at a wrong time and in a wrong way. There is no element of estrangement between you and the individuals that compose the Lake boat corporation?—A. No, sir.

Q. You are free to approach them in any honorable way?—A. Or any other company.

Q. And they are free to approach you?—A. I am perfectly free to say that I am disposed to listen to any company or its officers, whether it be the Lake or the Berger, and there is a new company that to my mind have got a better boat than any of them down here now in the navy-yard experimenting. It is Casey, of Colorado, he is the inventor—some of Mr. Bonynge's constituents. I believe it is the coming submarine. I have no personal feeling against the Electric or Holland people, notwithstanding the fact that I have been told that some of the officers of the company have said that Hobson and I were blackmailers.

Q. I believe there are indiscreet people there, as there are everywhere, but we will go on with this matter. Are you willing to use your good offices with the Lake boat officers to procure from them, in addition to what has already been produced and proven in this investigation, any fact or facts that would tend to show the truth of any one or all of your charges?—A. I am willing to use my good offices to obtain information from any source, whether it be——

Q. But particularly.—A. There is no particularly about it with me. Wherever it may come from.

Q. Let me make plain to you why I say "particularly." I ask you whether or not, in your quest for proof of these charges, you have not found the most prolific source of it in the bosom of the Lake Boat Company?—A. No, I can't say that. I have got more information from them outside of my own knowledge than I have got from any other source.

Q. And have you any particular reason to account for that?—A. Well, I do not care to speculate on that. I presume the Lake boat people could testify to that.

Q. Let us get bold. You are a very bold man. Don't you think, because they are rivals, and each watches the other and very closely, and if either had found a defect in the other they remember it and cherish it?—A. Yes.

Q. Therefore there is nothing particularly bold in one making a fire against the other. Consequently you have found the Lake boat people the most prolific source of testimony in this case, outside of your own sources?—A. I would not say I have found it. I would say that the committee has found it. Whatever I have done along this line has been in the interest of the committee, for the purpose of helping the committee to procure all evidence that could be procured.

Q. We are not going to let our personal vanity make any claims at all about it. We are willing you shall have it, and we will have it, but assuming that the most of it has come from the Lake boat people, now, if you will exercise your good offices with those people to induce them to give us more, and I ask that because of the testimony of the officers of the Lake boat people, that they did not desire this investigation——A. I think it would be better for the committee to use their good offices to get more, if they can.

Q. The committee have exhausted themselves and hope that some kind word from some sympathetic and just friend might facilitate the further development of the truth.—A. I shall be glad to assist the committee in getting anything further that I can out of the Lake boat people or anybody else. I am here for that purpose.

Q. We are glad to have this mutual exchange of confidences and information. We have not been investigating Mr. Lilley, nor have we been investigating the Lake Company, except as a fruitful source of information against the Electric Boat Company.—A. I certainly have not made that charge.

Q. No, but your secretary, who was here this morning and testified, testified somewhat to that effect.—A. I do not claim to be responsible for any expression of opinions from my secretary.

Q. We can assure you now that the good work is going on, and we are only asking your full cooperation. In the firm of Lilley, Swift & Co. is there any member of that firm interested in the Lake torpedo boats?—A. No, sir.

Q. Do you know the stockholders of the Lake Torpedo Company?—A. I do not.

Q. Do you know the directors of the Lake Torpedo Boat Company?—A. No, sir.

Q. Do you know where any of them live?—A. I supposed J. C. Lake lived in Bridgeport, and was one of my constituents, but I found out he lived in Rutherford, N. J.

Q. He explained that that was a legal residence, and when he wants to enjoy himself he comes to Bridgeport?—A. I really do not

know whether Simon Lake claims Bridgeport as his residence or not. I assume that he is a director, but of my own knowledge I do not know that either of them are directors.

Q. You do not know any director except Lake?—A. I do not know that he is. I assume that he is. If I am not mistaken, he is president of the company. And I assume he would have to be a director. And I have heard him testify that he owned the majority of the stock, but I do not know of my own knowledge of a stockholder in the Lake Company. All I know is what I heard Mr. Lake say the other day.

Q. Did you hear or read over this testimony that the Singer Manufacturing Company was a stockholder?—A. No, I did not.

Q. Have you any relation with any of the Singer Manufacturing Company?—A. No, sir. I do not own stock; there is none owned in my family of any corporation except the one I am interested in.

Q. Is there any additional statement that we have not asked you about that you want to make that would tend to clear the ground entirely around you?—A. I don't think there is any.

Q. So that if any fire gets out it won't get to you at all, it will just make kind of a clean-swept fire belt around you. You are related to nobody in the Lake company?—A. Not in any way, shape, manner, or form.

Q. Neither by blood, marriage, natural interest, future prospects, political affiliations, or ambition?—A. No, sir; I am in no way, shape, manner, or form connected, or is my family.

Q. Does your political ambition in any wise relate you to the interests of the Lake Torpedo Boat Company?—A. No, sir.

Q. Or induce you to feel an interest in the Lake Torpedo Boat Company?—A. No, sir; absolutely not.

Q. None whatever?—A. None whatever, and my political ambitions do not go to the extent of mixing business with politics. I never ask a man his politics when he comes to me for a favor, if I can do it; and I never hesitate to tell him that I can not do it if it is a thing that I do not want to do.

Q. You maintain your popularity and achieve your victories very much after the fashion of Jupiter Olympus, by thunder?—A. I do not know as I am much of a thunderer. I had a man named Gompers put some eleven propositions up to me in the last Congress, and I believe Connecticut is unionized to a greater extent than any other State in the Union——

Q. You are not against the union?—A. No; I am not against the unions, but I was obliged to tell that gentleman that until his various measures had been reported from their various committees and I had heard an exhaustive argument on the floor of the House, I was not prepared to say how I would vote on them.

Q. Did you have any mental reservation that you would not disappoint him?—A. He came up and opened a campaign the last time——

Q. Did you let him stay or did you send him on to Maine?—A. He made an offer to come to our town, and advertised it, and they hurried a committee down to tell him not to come unless he wanted to make me votes.

Q. I believe that I have asked every question that I can imagine that would throw any light on your relations——A. I would be very *glad to answer any questions* that the committee desire to ask.

By Mr. STEVENS:

Q. Have you any banking connections which might have any business with the Lake Torpedo Boat Company?—A. Absolutely none.

Q. Are you connected with any banking institutions?—A. I am a director in the Torrington National Bank.

Q. Has that bank ever had any connection with the Lake Torpedo Boat Company?—A. I never heard of any.

Q. You would know if it had had?—A. Well, I am certain they have not; at the same time, I have not been there in some months to attend a directors' meeting. They have none to my knowledge.

Q. Do you keep generally informed, so that you would know if they had?—A. Yes, sir.

Q. Do you know whether they are depositors or borrowers at your institution?—A. They are not.

Q. You have been engaged in political affairs in Connecticut for some years?—A. About eight.

Q. Has the Lake Torpedo Boat Company or its officers taken any interest to any extent in political affairs during that time?—A. I never have heard of it.

Q. Are you acquainted with Mr. Charles F. Brooker, of Ansonia?—A. Yes, sir.

Q. Do you know whether he has taken any interest in helping or seeking to influence affairs toward helping the Lake Torpedo Boat Company?—A. Never to my knowledge, and I am very sure that Mr. Brooker has not.

Q. You know him well enough to know?—A. I know him very well, indeed. He is a very warm friend of mine and a very fine gentleman and I am sure he has never mentioned them to me.

Q. And he would confer with you about it if he were interfering in any way or taking any interest in any way?—A. I feel quite certain that he would.

Q. When you were elected to Congress did you seek to be appointed at first on the Committee on Naval Affairs?—A. No. Mr. Brandegee was on at that time.

Q. And you succeeded Mr. Brandegee on the committee?—A. I did.

Q. What influences did you seek to be appointed on that committee?—A. I made application for it, and Mr. Brandegee, I think, spoke to the Speaker on my behalf; possibly Mr. Hill.

Q. Any other persons that you know?—A. I do not know of any others that did speak to the Speaker. I think Mr. Brandegee asked Mr. Foss to, but I do not know that he did.

Q. Do you know whether any of the concerns that are interested in naval affairs, such as construction companies or manufacturing companies or supply companies, either interview you or your friends either for or against your appointment?—A. I would not have asked any of such concerns.

Q. I say do you know whether they are interested on the one side or the other?—A. No, sir.

Q. You would know something about it if any of them had taken any interest?—A. Yes, sir; I think I would.

Q. But so far as you know no such interest was taken either for or against you?—A. No, sir.

Q. In your various campaigns for Congress and for other public offices have any *of those* construction companies or various industrial

concerns that are interested in supplying naval matters taken any interest in the campaign either for or against you, to your knowledge?—A. No more for me than for the rest of the ticket that I know of.

Q. There has been no special interest either way?—A. Not that I know of.

Q. You testified, I think, that Mr. Kellogg had been a friend of yours?—A. Yes, sir.

Q. He has been a supporter of yours?—A. Yes, sir.

Q. And he was employed by the Electric Boat Company and then had various conferences with you concerning submarine matters?—A. He never was employed until after I was elected to Congress.

Q. Mr. Kellogg is a man of character in your city?—A. Yes, sir.

Q. He has a reputation as an able lawyer and a man of high standing?—A. Yes, sir.

Q. Has he taken an interest in active politics in your section?—A. Yes, sir.

Q. Served in various official capacities in the Republican party?—A. Yes, sir.

Q. In his various conferences with you, would you state now whether he took—that he ever attempted to exert any improper influence upon you?—A. No; I would not state that. I would state that I do not think the Electric Boat Company should have hired him.

Q. Do you know of any reason why the Electric Boat Company might retain him for some other purpose than by conferring with you?—A. I do not.

Q. You judge, then, from what you know that the sole reason for the employment of Mr. Kellogg was to influence you?—A. I believe so.

Q. And you charge that as matter in this investigation?—A. I believe it.

If Mr. Kellogg should state to the contrary that he was not so employed, and should make statements to this committee that he was not so employed, what should you say of that position of his?—A. I would believe Mr. Kellogg.

Q. If he should state that he was not employed to influence you, has not ever attempted to corrupt or influence, intimidate, or affect you, and has done some other work, and states that he was employed for doing some other work, what should you suggest as the reasonable purpose of his employment by the Electric Boat Company?—A. I have never charged that he was hired and employed to corruptly influence me, but I do believe that he was hired to influence me, and that he would not have been hired if I had not been on the Naval Committee.

Q. And you charge that was the sole motive and cause of his employment?—A. I believe so.

Q. And if he has done other work for the company, which has been more or less useful from their standpoint, that that would be merely incidental?—A. Well, I never knew that he had done the work for the company until I heard him testify.

Q. Would you believe what he told the committee?—A. I would. I would believe what he told the committee so far as his understanding was concerned. I believe that part of it. I would believe what he said.

Q. He is a man of average intelligence, isn't he?—A. More.

Q. He is a man of some experience in his profession and in the active business of life?—A. Yes, sir.

Q. He is accustomed to dealing with men and affairs?—A. Yes, sir.

Q. So that when he accepts employment or takes part in an enterprise, that he usually knows about what he is doing and what his purposes are, does he not?—A. I think so.

Q. So that when he states the reason for his employment, and states the scope of his employment, and states what he does for his employers, you would accept that as a reasonable statement of the purposes and character of his work, would you?—A. I would.

Q. You have known Mr. Taylor fairly well for some time?—A. Yes, sir.

Q. He is a man of standing in your community?—A. Yes, sir.

Q. He is a man whose reputation for proven veracity is good in your community?—A. I think so.

Q. And when he states to this committee concerning his conduct and action in this matter that we are investigating, that you would believe what he said, would you not?—A. I would believe that he believed it.

Q. Is he a man who has made a success of his business?—A. I think so.

Q. Is he a man of assurance and capacity for carrying on his affairs?—A. I think so.

Q. Is he a man who has had large experience in dealing with men and business and methods of business?—A. Yes, sir.

Q. So that when he figures in any sort of business enterprise or takes up anything that concerns his business, or matters of that sort he usually knows what he is about, doesn't he?—A. I think so.

Q. So that when he informs a committee like this the reasons why he has said and done things which concern his business, which seem reasonable and proper from his point of view, you would rather believe that he knew what he was talking about, wouldn't you?—A. Why, I think Mr. Taylor knows, generally, what he is talking about. I think he made one or two mistakes in his testimony that, if he had thought the thing a little more carefully, he would not have made.

Q. What are those?—A. He said, for one thing, that I said I proposed that the Lake company should have a square deal. In talking with Mr. Taylor about it afterwards, and refreshing his memory a little more, that I said I proposed to give all companies a square deal, that I was for open competition. Another thing of more importance than that, it has just escaped my mind—might I see his testimony a moment? Oh, about the Waterbury Club incident. Haven't I testified to that?

The CHAIRMAN. Yes; you have already corrected that.

Q. Were you here while Mr. Taylor testified?—A. I was.

Q. And listened quite closely to his testimony?—A. I did.

Q. And talked with him since about his testimony?—A. I saw him for a very few minutes the next morning.

Q. You walked out with him into the hall after he had testified, didn't you?—A. I don't recall that.

Q. You saw him afterwards?—A. Not to have any conversation with him at all——

Q. So that you and he were in general accord, with the exceptions that you have noted, about what he testified?—A. Yes, sir.

Q. He is a man who drives very straight at a proposition, doesn't he? He does not fool around it?—A. I am not claiming that Mr. Taylor did anything reprehensible in urging me to vote for submarines.

Q. You rather intimated that Mr. Taylor did do something reprehensible in your testimony before the Committee on Rules, and in your testimony before this committee, and various newspapers throughout the country have rather intimated that that was a species of corruption?—A. If you will permit me, I intimated in my testimony that the Electric Boat Company had no right to get after my friends and people that were closest to me, and to urge me to vote for their measures.

Q. Mr. Taylor testified, if I recall it, that he received no communication from the Electric Boat Company, received no suggestion of any kind or invitation to try to influence you; that he did it because he desired business, that he was invited by Mr. Kellogg to come, and that he had previously interviewed you?—A. Yes, sir.

Q. And did it because he thought it would be a good thing to get business? A. He did it because he thought it would be a good thing for Frank Taylor, and led me to believe that he had talked with representatives of the Electric Boat Company and John Kellogg.

Q. You listened to his testimony before this committee?—A. Yes, sir.

Q. You learned from that that he only had communications from Mr. Kellogg? A. I gathered that from his testimony.

Q. So that if you were in a position where you would have to judge, would you or would not you believe what Mr. Taylor told this committee? A. I would believe that Mr. Taylor would tell this committee the best of his understanding and the best of his remembrance, and that he believed anything he said to this committee that was to the best of his remembrance and the best of his understanding. But I gather it a different impression from what he expressed here.

Q. You would not believe that Mr. Taylor had any corrupt intent in going to you and trying to influence you?—A. I do not believe that it would appeal to Mr. Taylor that there was anything wrong, that there was any wrong intent, but I do believe it would be wrong for me to vote for a large appropriation for boats that I did not think the Government ought to own.

Q. That would be a question of judgment, or a question of the standard of ethics between the two of you. It would not be a question of corrupt motive on the part of Mr. Taylor judging one way and you judging another, would it? A. Not necessarily.

Q. So that so far as Mr. Taylor's conduct toward you is concerned, can you see any matter of corruption or corrupt intent or corrupt action? A. Not of corrupt intent or corrupt action; no.

Q. As to Mr. Perry, how long have you known him?—A. I never saw him until Mr. Kellogg introduced him to me.

Q. Mr. Perry testified that it was suggested to him by the Fore River Shipbuilding Company, by Admiral Bowles of the Fore River company, that they try to get favorable submarine legislation. Do you endorse that because you think that a certain line of legislation

is beneficial to the public and they try in a legitimate way to have that legislation enacted, and that when the legislation is enacted that they will get some business out of it, or somebody is to have business, that there is anything corrupt in that sort of thing?—A. I believe that if a man believes that the legislation is fair and honest and above board, he is perfectly justified, if that is his honest belief, that the legislation is something that the country should have, and that is where Mr. Ferry and I, of course, would differ. I do not think we ought to appropriate money just for the purpose of giving Mr. Ferry an order. If Mr. Ferry believes that the Government is getting value received and getting goods that the Government ought to have, I think he is perfectly justified, and I am willing to assume that he did think so. I am not finding fault with Mr. Ferry. I am finding fault with the company for setting him on to me.

Q. Then you find fault with the Fore River Shipbuilding Company?—A. Well, it was in effect the Electric Boat Company.

Q. Have you any knowledge of the Electric Boat Company seeking to suggest or request Admiral Bowles to have Mr. Ferry come to you and seek to influence you?—A. I do not recall that he mentioned Admiral Bowles's name to me.

Q. Is there any more reason to charge the Electric Boat Company for the action of Mr. Ferry because Admiral Bowles talked with him and suggested that he do what he could for submarine legislation than there is for the Bath Iron Works, which is represented by Mr. Littlefield, to have corruption charged to them because they are constructing a boat for the Berger Company or the Lake Company, and Mr. Littlefield to offer such legislation?—A. I do not say that it would be corrupt, but I do say that if the Bath Iron Works tried to get a large manufacturer in a Member's district to vote for certain things simply because Mr. Ferry would get an order from the Bath Iron Works, I believe that is wrong. It may not be corrupt, but I think it is wrongful practice.

Q. It is a question, then, of judgment and standard as to public morals?—A. Yes, sir.

Q. And where your high standard might prevent you from talking to a Member of Congress or a member of the Department concerning matters, another man might think it would be perfectly proper; and would you think he was corrupt if he differed from you in that respect?—A. I do not know that I would.

Q. Can you conceive any difference in a manufacturer like Mr. Bowles or Mr. Ferry conferring with you and seeking to have you favorable to legislation which they believed would be beneficial to the country and out of which they would get some possible profit, or your going to the Department and seeking to have the Department construe a law in a certain way or act in a certain way concerning matters in their jurisdiction, because you knew that some of your constituents will get a profit?—A. It depends entirely on whether the matter is just and right and proper. I would not go to the Department to ask for things for my constituents if I did not believe that they were proper things to ask for.

Q. Of course you would not; we know that. Now, suppose that this man took the same attitude to you, so far as you are concerned,

what criticism have you to make of that?—A. Why, I have just this criticism to make: Having in mind the orders that have been recently given, that the Department so hedged about that as it paid an excessive price for goods that were purchased. I know nothing about the justice or the legality of the Attorney-General's opinion. I assume that his opinion was a correct one. If it was, and the Secretary of the Navy was led to expend the money in accordance with that opinion, I think he had a right to spend that where he could get the best value for the money. I understand that the contract to the Electric Boat Company was at the rate of $1,059 a ton; that this contract of the Lake boat was less than $900 a ton, and that it has got to excel—it has got to equal in every respect the other boat, and I think it has got to excel it in some respects. Now, if the Secretary can buy boats at less than $900 a ton that will equal or excel boats that $1,059 a ton is being paid for, I think he ought to do it, and I think it is the duty of any man, whether he is a Member from the district or not, to ask him to do it.

Q. And you consider it your duty as a public officer to urge upon him that point of view?—A. I am speaking from a Government standpoint, as a Member of Congress.

Q. You would conceive it your duty to urge upon him that standpoint?—A. I would certainly urge that in every Department in Washington they should get the best value for the money that they can get.

Q. If a manufacturer should conceive that it is a necessity for the public defense, that it is an economical method of defense, to have quite a large number of submarines, as I understand many good people believe, and that the best method of getting submarines—of our obtaining the best possible results in securing a vessel—would be to have a competitive test, and the boat which won has the exclusive contracts—supposing he believed that that was the best thing to do for the public welfare, can you conceive of any corrupt motive or corrupt action on his part if he should go to a public officer and present that argument?—A. If he is a Member of Congress I don't think he ought to go and present an argument that they should give it if the price is excessive.

Q. But is there any corrupt motive or action on his part in urging upon a Member of Congress that that is the proper thing to do?—A. All things being equal, no; if he does not know that the Government is paying an excessive price for an inferior article.

Q. If the question of price per ton or price per vessel is referred to the Department which knows about the business, with power to act and power to reject if the price is excessive, would you criticise the manufacturer in urging action which is guarded in that way or his interviewing a Member of Congress to have action which is guarded in that way?—A. I do not know that I would if, as I said before, the man was really fully advised as to what the vessels ought to cost and he was figuring on the best interests of the Department.

Q. Do you charge that the officers of the Navy Department, the Chief of the Bureau of Construction, the Secretary of the Navy, the Judge-Advocate-General of the Navy, are incompetent or corrupt because their judgment as to the cost or value of a certain vessel differs from yours?—A. They are certainly not corrupt because their judgment——

Q. Do you charge that they are incompetent for that reason?—A. I will answer that by saying that I think it is very greatly to the detriment of this country and to the Government to have five Secretaries of the Navy in five years, as we have had—four of them; however, they may be able as attorneys—and they undoubtedly have all been able—none of them have been practical business men that were competent to figure out a business proposition on a business basis.

Q. You charge, then, that the policy which has kept the heads of the Naval Department in a condition of change has been a bad one?—A. That they have not been there long enough to get a thorough knowledge of the business. That is evidenced by the fact that the Secretary always has to bring his clerk either here or to the committee and consult with him on most all questions.

Q. Who is responsible for the appointment and designation of the Secretary of the Navy?—A. I do not think I could enlighten the committee on that.

Q. We want to find out who is responsible for the inefficiency of the Navy, who is responsible for the appointment and retention and direction of the Secretaries of the Navy.—A. I suppose the President has the appointing power.

Q. So that whatever criticism can be bestowed on anybody, for the many changes in the head of the Naval Department during the last five or six years, it should be visited upon the President?—A. I prefer you to draw your own conclusions upon that. You are just as well able to judge of that as I am.

Q. Now, you are criticising the policy of the Navy Department in awarding contracts at certain prices for certain constructions. You are willing to admit there was no corruption in that, are you?—A. Yes.

Q. So that whatever excessive prices have been paid is due to inefficiency?—A. Yes; to lack of thorough business knowledge.

Q. Now, there are two general departments in the Navy, first, the civil business, the financial end, which is presided over by the Secretary of the Navy and his assistants, and, second, the technical, professional end, which is presided over by the various heads of the technical bureaus. Is that the fact?—A. Practically.

Q. Now, you charge, then, that the bureau or official which has charge of construction, which has charge of the preparation of contracts, in the buying and building and preparation of contracts and specifications in these bureaus of submarines, have been inefficient in that they have allowed a million and a half of dollars of excessive profit, do you?—A. I think the cutting out of competition has enabled the Electric Boat Company to demand and obtain a million and a half dollars in excessive profits.

Q. You charge, then, that the heads of the technical bureaus of the Navy, of the professional bureaus of the Navy, have allowed specifications to be drafted and contracts to be made for vessels which have involved an excessive profit of a million and a half dollars, which they should not have done if they had performed their duty, is that it?—A. That their hands were tied to a certain extent from the fact of the eliminating of competition.

Q. Do you not know that those officers have always exercised the power of rejecting any and all bids which they deemed excessive or unfair or unjust or unprofitable to the Government?—A. Yes.

Q. They have that power?—A. Yes.

Q. Then they have not exercised that power in rejecting these bids when they have made these contracts, have they?—A. I suppose not.

Q. They have not. Contracts have been made involving about $3,000,000 in the last six or seven years.—A. Oh, contracts have been made involving about $3,000,000 in this last year.

Q. For submarines?—A. Yes; in this last year. I do not know what the total amount is to-day.

Q. All those contracts have been signed and are in force and have not been rejected on account of excessive cost?—A. I suppose not.

Q. You charge, then, that that bureau, in the hands of the naval officers, because they have not exercised it to save a million and a half dollars of excessive profit, that they have been grossly inefficient on that account?—A. I think the legislation compelled them to buy those boats.

Q. The officers of the Navy inform us that they always have the power to accept or reject all bids, and you have just stated you have the same opinion as we have. Now, if they have that power and have not exercised it, if there is a million and a half dollars of excessive profits, and they have known it and not exercised that power, you charge inefficiency on that account?—A. The Department may have thought the exigencies of the occasion demanded these boats. There has been more or less war talk in the last year. They may have thought we ought to have these boats, and were therefore compelled on that account to pay the price. I would not want to charge gross incompetency or anything of that kind.

Q. Have you read the reports of the Navy Department and the several bureaus of the Navy Department?—A. No, sir; I have not.

Q. Do you know what Admiral Capps, of the Bureau of Construction, reported concerning these submarine contracts?—A. Only in a general way.

Q. You have not read his report that is on file in the office of the Secretary of the Navy concerning that?—A. Not carefully.

Q. Have you read the report of the Secretary of the Navy with reference to the exigencies of the naval situation?—A. I know that we had some confidential testimony before the naval committee that the exigencies were such that we ought to make liberal appropriations for war material.

Q. We had a message to that effect, if I remember, but did you read the last report of the Secretary of the Navy, which was transmitted to Congress in December?—A. I read most of it; I did not read it very carefully.

Q. But you did not read the report of a technical bureau, such as the Bureau of Construction?—A. I did not.

Q. Or Bureau of Navigation, so that you, without reading the information that was in these reports, and with a superficial knowledge of what is in the report of the Secretary of the Navy, you charge upon those officers a gross dereliction of duty in letting contracts which involved an excessive profit of a million and a half dollars.—A. I do nothing of the kind. I say that the exigencies of the occasion

may have required these boats in their opinion even if they cost twice the money. I know in the Spanish-American war this Government bought quite a large number of different kinds of boats, which they undoubtedly paid two prices for, but they thought they had to have them. Now, I have no reason to think but that they thought at the Navy Department that they had got to have them and that they might be wanted.

Q. Have you received or known of any communications submitted to Congress or to any of the committees of Congress in which the Secretary of the Navy or any of these heads of technical bureaus specified that reason as the basis for making these contracts?—A. I do not know that they specified that reason for the basis of making these contracts, but I do know we had in an executive session of the Naval Committee a Government officer confidentially talking with the committee. I don't think I ought to disclose what the talk was.

Q. We will not ask for war secrets. At the same time, you can state this: Is there any information anywhere, and, if so, what officer gave that information, that as a basis for making contracts involving an unjust profit of a million and a half of dollars in these recent submarine contracts, that it was occasioned by a naval exigency which then existed, or last year existed—is there any such official statement anywhere, and, if so, what officer made it?—A. Well, I don't know that there is such an official statement, but, of course, I do not know what was going on through the minds of the people at the Navy Department when they were contracting for these boats. They naturally would not make any official statement if they thought there was danger of war.

Q. What basis have you then for assuming that such a condition existed in their minds, upon which they acted, to allow this million and a half dollars of unjust profit?—A. Well, I have a good deal of reason to believe or to know that there has been a good deal of nervousness in the executive offices as well as in the war and naval offices in the last year that might require the need of more vessels.

Q. And this general condition of nervousness in the air is the basis of your accusation upon the officers of the Navy Department that they allowed unjust profits of a million and a half dollars out of less than a $3,000,000 contract?—A. I do not put it that way.

Q. Is not that the condition?—A. I said it may have been; I did not say it was.

Q. That is about the basis that exists.—A. I say that may have been the reason. I can not tell the reason why they paid the price.

Q. Let us just get the figures a little bit more accurately. Who compiled these figures in our record that show a million and a half dollars of unjust profits?—A. Those figures were taken out of documents and books and hearings mostly.

Q. Who compiled them; what person compiled them?—A. I think Mr. Webster did.

Q. And who assisted him?—A. I don't know whether he was assisted or not. He may have been.

Q. He testified he was assisted by Mr. Neff.—A. Very likely he was.

Q. Was it under your direction?—A. Yes; I wanted those figures.

Q. Did you tell them exactly what to do, or did you give them a general direction as to how to find out and to report what they found?—A. My impression is I told them to find out.

Q. You told them to find out?—A. To get me what information they could upon that subject.

Q. So that compilation is the basis of your charge of this inefficiency of the naval officers?—A. I did not say inefficiency. Those figures and the testimony of Admiral Bowles and Admiral Melville and Admiral O'Neil is the basis of my figures for excessive prices.

Q. This compilation that you have caused to be made by these two men is the final result upon which you base your charge of this million and half dollars of excessive profit, is it?—A. Practically, yes.

Q. Have either of these men had any experience in marine or naval construction, Mr. Neff or Mr. Webster?—A. I don't think they teach naval construction at the Yale College, and I don't know about Mr. Neff. I don't think Mr. Webster has any.

Q. So that as the matter would come to us, if on the one side Admiral Capps, the official head of the Bureau of Construction, would state that the prices were reasonable and fair, and that if they had been otherwise he would have rejected the bids and would not have purchased the vessels, thereby admitting, or, rather, implying, that no exigency exists, and on the other side you have figures compiled by two young men, one 23 years old and one 29, with no experience in naval or marine construction, under your general direction, which of those two statements would you think is an unbiased statement?—A. The adding of the compilation, the sources from which they came—Admiral Bowles, Admiral Melville, Admiral O'Neil—I would certainly take those three experts as against one.

Q. You would believe Admiral Webster and Admiral Neff, would you?—A. No, sir; I should not take their opinion as being of any account.

Q. Admiral Capps was informed concerning the statements of Admiral Melville and Admiral O'Neil and Admiral Bowles, wasn't he?—A. I do not know, but he ought to be.

Q. He has been the head of that department for several years, hasn't he?—A. I do not know that. He has been the head of it since I have been a member of the Naval Committee.

Q. And that is three years, at least.—A. No; it is practically two years.

Q. If he testifies that he has been at the head of that department five or more years, which he did, you would believe him?—A. I certainly would.

Q. And at the head of the department he naturally would be informed as to what a man like Admiral Bowles knew, or a man like Admiral O'Neil or Admiral Melville knew, or thought, about those matters?—A. I can not answer that question except to say that he ought to be.

Q. Now, would you charge inefficiency, charge him to the extent of gross unjust profits of a million and a half dollars out of a three-million dollar contract if he differed from those men in that line of submarine construction?—A. In the first place, a million and a half of excess profit of the boats we have built and have contracted for.

Q. That would be about four million and a half dollars, as he testified.—A. I have no knowledge of Admiral Capps's shrewdness as a business man. I know some people would buy a house for two-thirds of what another man would pay. A shrewd business man in that department, in my opinion, would save the Government millions of dollars.

Q. Then you do think that Admiral Capps lacks the requisite of shrewdness, so that he can be cheated a million and a half dollars in excessive profits out of four and a half million dollars of total contracts?—A. All men are not born alike in shrewdness. I do not charge Admiral Capps with anything. I do not know what was in his mind when he made that contract.

Q. You charge in addition that the Secretaries of the Navy who have signed these contracts—Secretary Long, Secretary Moody, Secretary Morton, Secretary Bonaparte, and Secretary Metcalf—were so inefficient that they did not guard the interests of the Government, and allowed one million and a half dollars of unjust profits out of a four million and a half total contracts, do you?—A. I do not charge anything of the kind. I doubt if these men whom you have mentioned know very much about it anyhow. I think their signing the contracts and signing their signatures is largely perfunctory.

Q. You charge that these men knew no more about the signing of these contracts involving millions of dollars than merely the signing of their names?—A. No; I do not charge that.

Q. Isn't that about what you said?—A. I do not know——

Q. You think that they did not know?—A. I do not charge them with anything.

Q. But there is a charge somewhere. You charge that there is an excessive, unjust, gross profit of two million and a half dollars in the construction of these submarines. Now, if that be true, somebody is responsible for it. The men who signed the contracts are the secretaries whom I have named. The man who made the specifications and was responsible for the construction is Admiral Capps, who has been at the head of the department which has made more than two-thirds of these contracts. Now, you charge that these men whom I have named were derelict in their duty, either not knowing anything about it, or have been so inefficient that they could not guard the interests of this Government and reject bids, if there had been any such thing, do you?—A. I do not make any charges against the Navy Department. I have said that this boat company has made excessive profits, but I do not know whether it is because of inefficiency or whether it is because of the fact that they wanted the boats and that the company having the boat that won out in the trials was in a position to set the price. The Government was not in a very good position to set the price after the company had won out. They were the people that were on top, it seems to me, so far as the contracts were concerned.

Q. So that if Admiral Capps said to us that he is in a position to reject bids if the prices are excessive, you would not believe him, would you?—A. Why, certainly, I would believe him.

Q. Or if you would believe him, you would believe him so inefficient as not to know an unjust price if he saw it?—A. I have not made any such statement as that.

Q. That is about what it amounts to, isn't it?—A. No, sir.

Q. Then, a compilation made by two young men in their first year of law school, from official reports and gathered information, you would have believed by this committee and by the country as against the sworn testimony of the heads of departments and the official action of the head of the Navy Department for the past five or six years, would you?—A. I do not think the two young men have any voice in it at all, but they simply gathered together Admiral Bowles, Admiral Melville, Admiral O'Neil——

Q. But their gathering, their version of what those admirals said, would be accepted by you and charged as inefficient and corrupt action, rather than the official action of the heads of these departments—you would believe the young men's version rather than the officials?—A. The young men have no version at all. They simply gathered the facts.

The CHAIRMAN. Right in this connection Mr. Littleton wants questions asked.

By Mr. OLMSTED:

Q. Is it not a fact that Admiral O'Neil and Admiral Melville were members of the Board on Construction when that board officially reported to the Navy Department that a fair price for the class and size of submarine boats referred to by Admirals O'Neil, Melville, and Bowles in the testimony which you quote was $170,000 per boat, or practically $1,400 a ton?—A. I never heard of any such.

Q. If you are familiar with the matters about which you have been testifying and with the reports, you know that they recommended that $170,000 was a fair price for certain boats?—A. I do not know that.

Q. Then you have not read their reports.—A. I read the part that was marked for me to read.

Q. Who marked it?—A. I think Mr. Webster must have. I sent him to gather the reports.

Q. Don't you know it was $170,000?—A. No.

Q. What was the price per boat?—A. Why, the price per boat of Admiral Bowles, figured in tons, was $745 and some cents.

Q. The price per boat?—A. I don't know about the price per boat.

Q. Then you did not read the reports there yourself?—A. No, sir.

Q. You do not know what the tonnage was of the boats?—A. The tonnage of the boats that Bowles was testifying—I think they were 120 tons.

Q. That would be over $1,400 a ton.—A. I have not read anything like that—what you are reading there now.

Q. If the report shows that—I do not know—I have not read it; but if the report shows that, then the boys are a little off in their reckoning.—A. If the report shows that—that Admiral O'Neil contracted for boats at $1,400 a ton—I can not reconcile it to his testimony.

Q. They have all testified that they do not buy boats by the ton at all. They buy them for so much per boat, and figuring out the per ton is done by somebody besides the Navy Department. Admiral Capps said they did not buy boats by the ton and did not figure them by the ton, and if the boat weighs as you say, or is a 120-ton

boat, and if Admiral O'Neil and those other admirals reported that $170,000 was a fair price, that would be just $1,500 a ton.

Now, Mr. Littleton's second question is this: "Do you not know that this report was approved by the Secretary of the Navy and finally transmitted to Congress?"—A. No, sir; I do not know it.

Q. If it was made and was approved and was transmitted to Congress, why, you and I are not as fully posted on these naval submarine matters as we ought to be.—A. I think it is a tremendously excessive price, if it is true.

Q. I will ask you one question on my own account. Did you hear Admiral Capps's testimony here under oath?—A. I did not.

Q. Then it is only fair to you to say that he testified under oath that the Electric Boat people claimed that they did not make any profit, but that he thought that they make a small but not an excessive profit?—A. I do not know how he could know. We had Mr. Lake testify here the other day that he would take them at $745 a ton.

Q. He did not say but that it would be at a loss?—A. Well, I do not think that any of these submarine-boat people are doing business at a loss.

Q. When you went before the Secretary of the Navy and asked him to give the Lake company a part of the contract did you limit him to any price per ton?—A. I was not the spokesman there at all.

Q. Did you speak upon that point?—A. I heard the conversation, as I remember it; the Lake company, to my mind it is hardly a contract at all. They are to build the boats——

Q. But you gentlemen went up there to get a contract and to say that you thought he ought to give one contract at least to the Lake company?—A. I thought there ought to be competition.

Q. I merely want to know whether anything was said by you or anyone else of the delegation that the price of the boat ought to be limited to any specific amount?—A. If I remember right, the price was discussed. The Secretary thought that, in view of the fact that these people built their boat on their own responsibility, and that the Government did not advance any money, and it was going to be about some two years, that there ought to be an allowance in there for the use of the money.

Q. Did you combat that idea?—A. And we talked over the amount and left the price between $800 and $900 a ton.

Q. That you figured out afterwards?—A. It did not take very long to figure that out.

Q. But it was discussed with the Secretary of the Navy at so much per ton?—A. I don't remember that it was. I did not take part in the conversation.

Q. Well, he says it was not.—A. I don't think I could tell that conversation there at all, but, as I remember it, I had no part in it. I am quite sure that Senator Bulkeley did the talking.

Q. Did you suggest to Senator Bulkeley that the price ought to be limited to any specific amount, either for a vessel or at so much per ton?—A. I don't think I had any talk with the Senator about it.

Q. Did you through anybody insist that the price for that Lake boat should be limited?—A. I think not.

Q. Did you at that time know what would be a fair price for the boat?—A. I knew what the testimony had been of these three admirals.

Q. Is it not a fact that these compilations showing the cost were not made until after that date?—A. Oh, these were made before. Well, I don't know—no; the compilations were not made before, but we had heard Admiral Bowles's price on boats, for every session of Congress I have been on the Naval Committee it has been brought up.

Q. When you wrote to the Secretary of the Navy asking that a part of that contract be given to the Lake Boat Company you did not suggest any price in your letter to him, did you?—A. I think I simply asked for competition.

Q. You did not ask for any price?—A. I think not. I think I set forth the advantages to the Department of having competition.

Q. Of course the letter will show for itself.—A. Yes. I have just gotten the tenor of it.

Q. Mr. Littleton's next question is this: "Don't you know that the prices of all vessels contracted for to the Government are fixed by a board of construction, composed of Admiral Converse, Admiral Capps, Admiral Rae, Admiral Mason, and Admiral Coles?"—A. I do not know who fixes the price; no, sir.

Q. Do you know now who does it?—A. No, sir. I will take Mr. Littleton's word for it.

Q. The question is, do you not know, and you answer "I do not know."—A. I do not know.

Q. The next question is: "Do you not know that these men are men of great knowledge and vast experience?"—A. I think they are; vast experience along certain lines. I do not know that they have vast experience along business lines. I do not know what their shrewdness is as to letting contracts. I believe they are splendid officers.

Q. I may be a very good or a very poor lawyer, and you may be a very good banker and representative and manager of the business of Lilley & Co., but the business of these admirals is right in the naval line, isn't it, and they ought to know more as to submarines than we do?—A. They ought to know more about building a ship and the technical parts than a man would get by going to West Point and being brought up in the Navy, but to my mind they make awful poor business men, as a rule.

Q. Do you suggest that these men are deficient in business ability; in the business that the naval officers in their business are employed about by the Government to attend to?—A. Their training has not been along business lines.

Q. Along what business line would you claim an admiralty?—A. I heard an admiral say in reply to a question asked him by a member of the Naval Committee, when we were visiting the yards and docks last summer, that it was not the business of naval officers to economize. I think it was the chairman of the committee that asked him if we could make any economies in that yard, and he said it was not a naval officer's business or training to make economies; it was his business to spend money.

Q. You are getting off onto the naval yards now.—A. Officers are trained very much alike.

Q. I will ask Mr. Littleton's next question: "Do you know of anybody or individual better qualified to determine what are reasonable prices?"—A. Oh, I think there are a great many of our large busi-

ness men that are conducting commercial enterprises that could drive a much better bargain.

Q. What kind of commercial enterprises?—A. Take any leading man in the United States steel corporation, or corporation of the same nature; they know all about manufacturing and have been trained business men instead of trained to serve in the Army or Navy.

Q. Have you consulted with any of them as to what would be a fair cost?—A. No, sir; I have not.

Q. Mr. Littleton's next question is: "Do you think that your opinion as to cost and reasonable profits is more valuable than that of the board of construction?"—A. Why, I think we could have bought those boats at a less figure than $1,059 a ton, in view of the testimony that had been given by Admiral Bowles, and in view of the testimony that was given here the other day by Mr. Lake.

Q. He said that he ought to have had about twice as much for his boat?—A. I did not hear him say that.

Q. Mr. Littleton's next question is this: The table of cost, and so forth, submitted by you to this committee, shows a supposed excessive profit of $1,119,736.58." Was not another table previously prepared showing a supposed excess profit of $1,476,296 and subsequently corrected by further computation?—A. I did not compile them. I could not tell you.

Q. They were compiled by the persons you have mentioned already?—A. The only person I know of is my secretary. He might have had Mr. Neff's assistance.

By Mr. STEVENS:

Q. Did you verify the computations by these men, Neff and Webster?—A. No; I did not.

Q. You took their figures and their judgment upon those computations?—A. I looked at the figures and looked at the books where they had marked the material, but as to the additions and divisions, I did not.

Q. Did you examine carefully to find out whether they had used the right basis for putting down their figures?—A. Why, the figures are all printed.

Q. Do you know whether they got the right figures? Do you know whether they were used in the right way?—A. A graduate of Yale College and a B. A. ought to be able to make the right figures. I confess I did not add up the figures.

Q. Do you know that they used the figures in the way that the man who made the figures supposed they should be used?—A. I did not compile those figures at all.

Q. You took their word, and the judgment of those two young men as the basis for your charges?—A. I took the judgment of one young man. I do not know whether the other young man helped or not.

Q. I will read you the statement of Admiral Capps before this committee, at page 290 of this record: "Then I will take your last question first, and state that the Navy Department, and not Congress, fixes the unit price of submarine boats, and that so long as I hold my present office I shall not be a party to any recommendation which would give, on a contract of this character, a profit which would be,

as indicated in your question, so grossly in excess of what might be considered a fair profit." You understand from that, then, that Admiral Capps states that it is the Navy Department and not Congress that fixes the unit price of this work, do you?—A. I do.

Q. Do you dispute that statement?—A. I dispute as to whether Admiral Capps would let a contract as well as some other men would let it, just as much as I would dispute one man buying a horse as cheap as another.

Q. Do you dispute that it is the business of the Navy Department and the duty of the Navy Department to fix the price rather than for Congress to fix it?—A. I do not.

Q. I read you again what Admiral Capps states on page 291: "The best we can do is to compare prices on these boats with those of similar work performed on other vessels, and as the Navy Department has complete authority to contract for or not to contract for such boats, it would use its best judgment. Of course if it fails to contract for any boats it could refer the matter to Congress and leave with Congress the responsibility for additional action, if such became necessary. The Department must take the responsibility of determining whether the price is a reasonable one." Do you dispute that?—A. No, sir; I do not. These two questions are practically alike, I should judge, and I want to correct my previous answer and say this: That if Congress appropriates a certain amount of money for a certain number of boats, and instructs that those boats shall be contracted for, I should assume that the Department was obliged to follow the instructions of Congress and contract for those boats.

Q. So if Admiral Capps says to the contrary you dispute his statement?—A. I certainly do not. That is new information to me.

Q. Admiral Capps has stated, on page 291, that the Navy Department has complete authority to contract for or not contract for any such boats as it might use, in its best judgment, and if it does not contract for any boats under an appropriation it refers the matter to Congress and puts the responsibility on Congress. Do you dispute that right or power or privilege of the Navy Department?—A. I do not dispute a thing Admiral Capps says so far as such questions as these go.

Q. If that be true, and the full power and responsibility was on the Navy Department, which had the right to reject all bids or accept the bids in such manner as they saw fit, do you know whether they rejected the bids or referred the matter to Congress, whether the Navy Department has within the last two years rejected bids and referred the matter to Congress concerning submarines?—A. I haven't any knowledge whatever.

Q. You know they have not done that, don't you?—A. That is my belief that they have not.

Q. As Mr. Littleton points out, and as Secretary Metcalf testifies, the responsibility for preparing these contracts and consulting with the Secretary of the Navy to the making and final signing of a contract is with the board on construction, of which Admiral Converse is head, and the other admirals named. The Secretary of the Navy, on page 302, testifies that this is the technical board, upon whose judgment he relies in making these contracts. Admiral Capps testified on page 292: "I think an exact determination of the cost is exceedingly difficult, but the board on construction used its best judgment and arbitrarily rec-

ommended a reduction in the contract price of the smaller boats of $27,000 for each boat, and in the case of the larger boat of $19,000 for each boat." Now you say that there is an excessive profit of a million dollars in about $3,000,000 of construction, or about 33 per cent. You charge, then, that this board in making a reduction of $27,000 for the small boats and $19,000 for the larger boats, was derelict in its duty and that they should have caused a reduction of at least $120,000 for each boat, do you?—A. I do not charge that they were derelict in their duty, but I would rather say that they were fooled. I know of a man that asked $800 for a horse, and he was offered $250 and he finally took it. When they offered $27,000 they ought to have offered them $100,000 less, and they ought not to have listened to the blandishments of those who say they were losing money. I do not think he drove a sharp bargain. I think he ought to get it down where it belongs.

Q. You charge, then, that Rear-Admiral Converse, Rear-Admiral Rae, Rear-Admiral Mason, Rear-Admiral Cowles, and Rear-Admiral Capps were fooled and cheated to the extent of $120,000 on each boat in making those contracts to you?—A. I would not say that, no; Mr. Stevens.

Q. That is what it means, ins't it?—A. I would say that those men are splendid, able naval officers, and, in my opinion, are not trained business men and not the men to cope with the people representing the Electric Boat Company. They are not shrewd enough for them.

Q. I read this statement on page 296 of Admiral Capps's testimony: "This board," and by this board he means the board on construction, "used every means it could to determine a fair estimate of cost and a fair proportion of profit. We simply used our best judgment and cut down the bid prices very considerably," You charge that that statement is incorrect and false of Admiral Capps, do you?—A. I do not.

Q. You charge that because they did not cut down the price $120,000, instead of $27,000, that they were fooled and cheated, and that that statement that I have read to you is incorrect, do you?—A. I do not charge anything, but, in my opinion, these men are not shrewd at driving a bargain. They are not equal to cope along business lines with the agents of the Electric Boat Company. But in sailing a ship and doing anything they know how to do, I will say that they are among the ablest in this country.

Q. These contracts were obliged to be supervised, investigated, and proved and signed by the Secretary of the Navy, and among them were Secretary Long, Secretary Morton, Secretary Bonaparte, and Secretary Metcalf. You charge that these men have so little business experience, are so easy to be fooled and cheated, that they allowed contracts involving about $3,000,000 to contain more than $1,000,000 of excessive profit, do you? In addition to fooling and cheating the general board, do you also say that these various Secretaries were also fooled and cheated?—A. I have not said cheated.

Q. Isn't that what it means if the Government was obliged to pay 33 per cent excessive profit, has not the Government been cheated? Is there any way of dodging it? Has not the Government been cheated?—A. I think the Government had paid too much money. I do not——

Q. If it has paid $1,000,000 of excessive profit in $3,000,000 worth of contracts, has not the Government been cheated?—A. That is your language. I am perfectly willing that you should assume that.

Q. What do you say about it?—A. I say they were not shrewd enough to cut off the money they could have. They cut off $27,000, but I think they were asked two prices, and if they had cut in two in the middle, and started from there as a basis, that they might have gotten together and cut it down to about where they belong.

Mr. HOWARD. You think they could not make a good nutmeg trade?

A. Yes, sir.

Q. You charge then that a man like Mr. Morton——A. Did Mr. Morton sign any contracts for these boats?

Q. You charge a man like Mr. Morton, as Secretary of the Navy, upon the advice of a technical board, the names of some of whom I have read to you, has so little business capacity that he was fooled and cheated to the extent of more than $100,000 per boat, do you, out of a $300,000,000 contract?—A. I think he signed the contract as you state, on the advice of the department on construction. I do not think Mr. Morton ever devoted time enough to get down to the business part of that proposition.

Q. Do you know Mr. Morton?—A. I know he is a very able business man, but he was not there long enough to get acquainted with the needs of the Department.

Q. Do you know what business he had before he was the Secretary of the Navy?—A. He ran a great railroad, rebating, I understand.

Q. Do you know what business he undertook after he left the Navy Department?—A. He is conducting a great life insurance company in the city of New York.

Q. Now, I want to know if a man like Mr. Secretary Morton has so little business capacity, that on a $3,000,000 contract for which he is responsible, that he allows the people that he represents to be cheated to the extent of $1,000,000 in a $300,000,000 contract? I ask if you believe Secretary Morton is that kind of a business man?—A. I don't believe he had but mighty little to do with that contract.

Q. Do you believe that he gives so little supervision over his business affairs?—A. I do not believe he got acquainted with the business affairs of the Navy Department.

Q. Do you believe that Secretary Morton is that kind of a business man, and gives so little consideration over the business affairs over which he has charge, and for which he is responsible, that he allows the people he represents to be cheated out of $100,000 in a $300,000,000 transaction?—A. Why, I did not say that. I do not believe that Mr. Morton ever looked into the question.

Q. You believe that he allows his business to be done in that way, that he will not look into these things to the extent, and that he signs his name to the extent of allowing his people to be cheated $100,000 on a $300,000,000 transaction?—A. He was not there long enough to look into it.

Q. I mean to say that is the way you charge he did his business and that is the kind of a man he is, do you?

Mr. THURSTON. Might I suggest one thing, so that you may not get the figures wrong? You spoke of Mr. Morton's awarding or losing a million dollars out of a $3,000,000 appropriation. The appropriation he disposed of was $250,000 for four boats.

Q. Of course in saying $3,000,000 I am speaking of the contracts that have been let during the last five or six years. But it does amount to 33 per cent on each boat that Secretary Morton signed a contract for, does it not?—A. I do not know what the amount of the contract was. Eight hundred and fifty thousand dollars for four boats—how many tons were they—if you want to do a little example in arithmetic——

Q. I will read you further what Admiral Capps says about the question of tonnage. Admiral Capps states on page 304 of the testimony, "As I said before, cost based solely upon tonnage is misleading and is really inaccurate, since you must consider the fittings of the boat and its general characteristics, including heat," etc. Admiral Capps stated that upon oath to this committee. He said further that that judgment and that fact was the basis of the action of the board in awarding these contracts. You charge, then, that this basis used by the board in awarding these contracts is grossly injurious to the Government, is wrong, is unfounded, and that the board had no business to use such basis, do you?—A. The only basis I have ever heard of is the per ton price.

Q. So that if the board uses another basis that is not a per ton price, you say that Admiral Capps and Admiral Converse and Admiral Mason and Admiral Rae did not know their business in using any other basis than the one you are figuring on?—A. I would not say that these gentlemen did not know their business for which they were trained and prepared and that their life education had been spent in. But I do say that it is not only possible but probable that they are not mentally able business men, to figure out the proper cost and amount they should pay for vessels.

Q. How long have you entertained those views, that the tonnage was the proper basis for computing cost?—A. I never have heard of any other basis. I once owned an eighth interest in a ship, and I know the cost of that one was based on the per ton.

Q. So that these admirals, this technical board, and these secretaries, in using a different basis, were so grossly wrong and unfair and unjust to the Government that it results in a loss of 33 per cent of excessive profits to the contractors as against the Government?—A. I believe that these gentlemen are most loyal to the Government, honest and straightforward, of very high standing. I am not impressed with their business ability if they allow contracts for boats at the price that they have been paying. I do not say that they have not done the best they could with their faculties along these lines—along business lines. I do not desire to cast any aspersions or any reflection upon the character of any man in the Navy from the Admiral down to the sailors. I believe they are the best there are in the world.

Q. You admit that they are honest?—A. Absolutely.

Q. So that when Admiral Capps states, as he does, on page 297, "I would most decidedly not recommend the making of contracts which would involve anything like approaching $1,000,000 of exces-

sive profits," you charge that is entirely due to his inefficieney, his ignorance, to his incapacity, instead of corruption?—A. Why, so far as he knows, so far as his talents go, I would say directly to the contrary; that he was efficient and that he is honest and that he did the best he knew.

Q. But he did make that awful blunder?—A. I think it is a mighty poor bargain.

Q. And that is the basis of your charge of excessive profits?—A. Why, I think there has been an excess of profit of the amount that I state.

Q. We have gone over the basis of your charge, have we?—A. Pretty fairly, I should judge.

Q. So that your information, based upon the facts compiled by these two men, is the basis for the charge on your part, as against the conduct and testimony of the officers of the Navy for the past fifty-seven years, and all of the admirals, all the different boards of construction, and the heads of technical bureaus during that same time? Now, I want to ask you, Mr. Lilley——A. Now, I don't want to let that go——

Q. Now, I will ask you this question——A. You assume that I am answering that.

Q. I am asking you as a man of a great deal of experience, and a man who I think wants to be fair in this matter, do you think your position, with the information based upon what you have, should be compared with the standing and knowledge and patriotic work that these men have tried to do——A. I think that these men are no more patriotic than Admiral Bowles or Admiral O'Neil, and they are all in the same class. I think Admiral Bowles is far superior business man than most of the naval officers. He is president of a great comnpay and does a large business. He must necessarily have a better knowledge of costs.

Q. You know that he has said that that statement of his was inaccurate and unfounded, don't you, in a subsequent statement?—A. I know that he has been trying to get better prices.

Q. Don't you know that that statement of his that you rely upon was based upon insufficient information?—A. Why, we had that testimony here a day or two ago.

Q. Don't you know that, that Admiral Bowles has stated that the basis he used was upon insufficient information?—A. I feel positive——

Q. You can answer that question yes or no. Did he not state so subsequently to that statement?—A. Admiral Bowles?

Q. Yes.—A. Never to me.

Q. Of course he did not, but did he not state it publicly so that it is of record?—A. I have not heard of his so stating.

Q. He made that statement, didn't he?—A. But it is a far different proposition now. He was working for the Government then, and he is working for the other people now.

Q. I ask you this question by Mr. Littleton: "Don't you know that Admiral Capps is a naval constructor, and that it is a part of the qualifications of every naval instructor that he shall have technical knowledge regarding the construction of vessels and the cost of their construction?"—A. I do not assume by any means that the

fact that he is a constructor makes a shrewd business man out of him. I know a constructor in the present Congress, but he may not be the greatest business man——

Q. So you are willing to charge upon the naval establishment of this country, upon the information that you have, that as a matter of military and naval policy, that it has allowed this Government to be practically swindled out of 33 per cent excessive profit on $3,000,000 worth of profit, rather than investigate or inform itself concerning it and act upon such information?—A. If I had the power and authority I would not let anybody trained in the United States Navy, that has followed the sea all their life, to make any bargains whatever for the Government. Rather I would pick out for the heads of the navy-yards and the head of the Navy itself people who are able, practical, hard-headed business men. I believe that would be a saving to the Government of millions of dollars. I do not think these men are fitted at all in any of these positions to drive a bargain.

Q. You are willing to charge further that a man like Secretary Morton, a man like Justice Moody, a man like Secretary Long, and Attorney-General Bonaparte, or Secretary Metcalf, with their varied business experience and ability, have aided and abetted the Government in being swindled and cheated out of a million dollars excessive profits in $3,000,000 worth of profits in the last eight or ten years? Are you willing to charge that also?—A. Nothing of the kind, nothing of the kind. Each one of these men was an able business man, but he did not have long enough so that any of us got acquainted with him, or so that he got acquainted with the heads of the Departments. The others are able, eminent attorneys, every one of them, and I think perhaps that the best man in the bunch——

Q. But you charge that the able business man was swindled and cheated as well as the others?—A. He was not here long enough to find out.

Q. You charge he was equally swindled and cheated with the others?—A. I do not charge it. I charge it was lack of knowledge.

Q. But the result is the same: you charge the result is the same?—A. I won't say that: he was not here long enough.

Q. But the result of the action is the same so far as the Government is concerned?—A. I would like before answering that question to know the tonnage of those four vessels that he signed a contract for, and the amount that was paid, and what they figured per ton.

Mr. SPEAR. One thousand and forty dollars.

A. I think they paid too much.

Q. Senator Thurston asked this question:

Did you not understand that the bids of the Lake Company, boat for boat, of equal or greater guaranteed size, speed, power, and efficiency, averaged about $270 per ton less than the bids of the Electric Company?

A. I could not state the exact amount, but I know they were less. I know they were in that neighborhood.

Q. That is approximately correct, as you understand?—A. Approximately.

Q. Another question:

In all business affairs the conservation of any kind be secured: a low with only one bidder possible as where there is full and open competition, as between rival and competing corporation companies?

A. Certainly not.

Q. So that as far as price is concerned you think these questions of Senator Thurston state about the facts?—A. I think it is practically correct.

By Mr. OLMSTED:

Q. In your testimony before us you began by reading a typewritten statement, in the course of which it appears, at page 32 of the printed record of these hearings, after you had been sworn and taken the witness stand, you made such charges. Then you say this:

I also submit, as one of the facts influencing me to introduce my resolution, that in my judgment, under special and exclusive legislation, the Electric Boat Company and its predecessor have already received from the United States an excessive profit of more than $1,000,000 for the construction of its submarines.

That leaves out anything now under construction and charges specifically that the company has already received from the United States an excessive profit of more than a million dollars for the construction of its submarines. Do you still insist upon that?—A. Well, I do not know that it leaves out——

Q. It says "have already received," and then you go on, "and that under the supposed legislation now pending it will receive a profit of more than a million excessive," etc., "for the construction of submarines provided for." That means $2,000,000 in this charge of yours?—A. No; the second charge refers to the passage of the bill by the Naval Committee, does it not? The action of the Naval Committee, if that became a law. It does not say anything about the Naval Committee, but it does say they have already received an excessive profit.

Q. That was your statement which has gone out to the world.—A. The contracts have been signed up for the boats which are now building, so it is in effect. They may have not gotten all the money, but in effect they have got it; it is contracted for. The Government has got to pay it, and those figures were in round numbers.

Q. Do you withdraw that part of the charge that they have already received a million dollars profit?—A. They have in effect, what they are building, the contracts are made, the Government is tied up for that amount. Of course these figures there were in round numbers.

Q. But this language is not in round numbers; it is very specific, that they have already received.—A. I had in mind what they had built and what they were building.

Q. Speaking now of what I understand you now mean, a million dollars, and your figures show a million and a half or thereabouts, of profits on boats already built and under contract, do you still adhere to your charge that the Government has paid or agreed to pay more than a million dollars of excessive and unjust charges?—A. I think so.

Q. Then you think that this Board of Construction is utterly incompetent?—A. Why, I would not say they were utterly incompetent. I think they are competent in their line of work.

Q. The line of work of a naval constructor is to construct and know what it costs to construct, that is a part of the duties of a naval constructor of the United States.—A. If I were running a large business, like the Navy Department, I don't think I should want to engage any of those gentlemen to let contracts for me, however able they may be along the lines of their profession.

Q. Then you do charge that they are incompetent?—A. I do not. I charge that they are exceedingly competent so far as they know.

Q. But they do not know?—A. Yes; they know a great deal, but it is along naval lines; it is along the lines that they were trained to know. They are very able and very competent, but a great musician is not always a man you would pick out to let contracts for submarine boats or to go off and buy a house for you. They are very talented in their lines.

Q. If you were going to employ a great musician, you would want somebody who had studied music, wouldn't you?—A. I would want somebody who had been in the business.

Q. When did you discover that there was this excessive and unjust profit, you say "as one of the facts inducing me to introduce my resolution?" When did you discover it? Did you know it for some time, that the Government was not getting value received for its money?—A. I had believed it ever since I went on the Naval Committee.

Q. You knew it before you went on the Naval Committee. You were on the Naval Committee in 1906?—A. Yes, sir.

Q. What was the appropriation for that year?—A. A million dollars, if I remember.

Q. Did you vote for it?—A. I think I did.

Q. What was the appropriation of 1907?—A. I would say it was $3,000,000.

Q. Although you knew the Government was not getting the worth of its money?—A. Well, we know the Government is not getting the worth of its money anywhere, or in any department, for that matter.

Q. And you voted for it also in the committee that year?—A. I think I did.

Q. Did you at that time know what it cost to construct these boats?—A. I do not remember that I did know at that time. I do not know but I did.

Q. You voted for $3,000,000 for those boats?—A. I voted $3,000,000 for open competition. I assumed that they would get the boats at a fair price and open competition.

Q. Is not open competition leaving it to these very naval men to decide what shall be paid for a boat, these admirals?—A. I do not think so at all.

Q. Didn't you testify here the other day that you were in favor of open competition because you thought it would be left to the Navy Department?—A. Certainly; but if there are half a dozen people in the field it will not take a very shrewd man in the Navy Department, unless they get into a combination with one another—it won't take a very shrewd man to get a low price. I believe if there was one in the field, and he was building seven or eight boats, we would be getting them for six or seven hundred a ton without any competitive bids.

Q. The Government did not do much better with the Lake Torpedo Company?—A. It got a bigger boat.

Q. Can you make a bigger boat at less per ton than you can a small one?—A. I should say so, but I am not qualified to answer that question.

Q. You are a business man.—A. I will say, then, that you can build eight a good deal cheaper than you can one; yes.

Q. Can you build a big boat cheaper than you can a little one per ton?—A. I don't know about that.

Q. What would you think about it?—A. I would think it could be. But there might be something about the construction of a large boat that would be more expensive.

Q. I want to ask you another question. What do you mean by exclusive legislation?—A. Shutting off competition.

Q. What legislation was that—do you refer to the act of 1907?—A. It was done this year; it was attempted in other years in the committee.

Q. It must have been other years, because you say they have already received $1,000,000 excessive profit under exclusive legislation. Did you have reference to the legislation of 1907?—A. The boat that won out in the test practically had exclusive bids. With no boats competing, there is only one left that you are compelled to buy from, and they have an exclusive market.

Q. Do you refer to the act of 1907?—A. The act of 1907——

Q. Was that what you referred to here by exclusive legislation?—A. I should say both the act—the action principally of the Naval Committee this year.

Q. This charge does not have reference to the Naval Committee's action this year, because it says that the company has already received a million dollars' excessive profits under exclusive legislation.—A. There was only one company in the field last year.

Q. I simply want to know what act of Congress you refer to as exclusive legislation?—A. I referred to last year, probably.

Q. At the time you made that statement here, didn't you know that the Attorney-General of the United States had decided that that was not exclusive legislation? Did you not know that the Lake Boat Company had secured a contract at that time, and didn't you help get the contract?—A. He did not decide it, as I understand it, until after he had let the contract for seven boats.

Q. But he had decided before you appeared here?—A. Well, the contract was already let then for the seven.

Q. Then, if two companies had got contracts, it was not entirely exclusive, was it?—A. It was, so far as seven was concerned, I think.

Q. Exclusive as to them and exclusive as to the Lake Boat Company, so far as the other boat was concerned, but the Attorney-General decided that the act was not exclusive, didn't he?—A. Yes, sir.

Q. Now, it occurs to me to ask you another question. You knew he had so decided at the time you were before us upon the other occasion, at the time you gave your testimony before, you knew he had so decided?—A. Yes, sir.

Q. Now, I have before me page 423 of the record of the hearings, the record of the proceedings in the Naval Committee this year, 1908, and it appears that Mr. Loudenslager offered as a resolution as follows:

The Secretary of the Navy is hereby authorized and directed to contract for eight submarine torpedo boats, in an amount not exceeding in the aggregate $8,500,000, and the sum of $1,000,000 is hereby appropriated toward said purpose, and to remain available until expended: *Provided*, That all such boats shall be of the same type heretofore determined to be superior as a result of competitive tests, held under the provisions of the naval appropriation acts approved June 29, 1906, and March 2, 1907, unless on or before October 1, 1908, a submarine torpedo boat of a different type, and of full size for naval warfare,

shall have been constructed and submitted to the Navy Department for like trial, and by like trial to said Department demonstrated to be not inferior to the best submarine torpedo boat in the competition above referred to.

Then came a substitute from Mr. Hobson, that four submarine boats be authorized of the type mentioned in the above-mentioned resolution, and four additional submarine boats by open competitive tests in the future. Do you remember how you voted on that?—A. I did not vote.

Q. Why not.—A. There was no use.

Q. Why?—A. Well, the committee stood 9 to 3.

Q. You did not know how they were going to stand until after the vote?—A. Yes, sir.

Q. You could have gone on record, anyway.—A. I just did not take the trouble.

Q. Now, then, Mr. Padgett offered the following amendment, which was that the proviso in the Loudenslager motion be stricken out, and I think you voted in the affirmative?—A. Voted to strike it out; yes.

Q. You voted to strike out the proviso which seemed to you to make it exclusive, which seemed to you to shut out competition?—A. I think that that motion of Loudenslager's thus amended was better than the way the original motion was, but if the amendment had been adopted I would have had the privilege of voting the whole thing down.

Q. You could have voted as you pleased after that, but the proviso which was eliminated reads:

All such boats shall be of the same type heretofore determined to be superior as the result of the competitive tests held under the provisions of the naval appropriation act of June 29, 1906, and so forth, unless on or before October 1, 1908, a better boat is provided for.

That proviso you voted to strike out?—A. I did.

Q. Then Mr. Mudd offered the following substitution—that is, to strike out the whole Loudenslager resolution and insert this:

Four submarine torpedo boats, to be contracted for under such competitive tests as the Secretary of the Navy may prescribe, $3,500,000, of which the sum of $1,000,000 is hereby appropriated.

Do you remember how you voted on that?—A. I say I voted——

Q. I will show you what the record says; the record says in the affirmative.

The vote on the substitute by Mr. Mudd was recorded as follows:
In the affirmative, Messrs. Foss, Mudd, Lilley, Ellis, Padgett, Hobson—6.
In the negative, Messrs. Loudenslager, Butler, Roberts, Bates, Thomas, Dawson, Gregg, Talbott, Lamar—9

That was the Mudd proposition?—A. Yes.

Q. You voted for that?—A. I naturally would.

Q. Mr. Lilley, this has bothered me a little to understand. You voted against or proposed to vote against the appropriation of $3,500,000 for eight submarine boats, and yet you voted for an appropriation of $3,500,000 for four boats. How do you explain that?—A. Well, I did not vote for $3,500,000 intentionally or knowingly.

Q. You do not mean to say you fell into the same error that these admirals do?—A. I understood Mr. Mudd's motion was what the Department called for, but I do not recall now that there was any price attached to them.

Q. There is no price per boat proposal, four submarines to be contracted for under such competitive tests that the Secretary of the Navy may prescribe, $3,500,000, and for that you voted?—A. I did not intend to vote, I intended to vote for four boats.

Q. That price would come nearer covering four boats at the price of the Lake boat, under the Lake contract, wouldn't it?—A. No; I do not think so.

Q. It would cover eight boats of the Electric Boat Company's contract price, but not more than four at the Lake company's price?—A. the Lake Company's contract, as I understand it, was $400,000, plus some interest money.

Senator THURSTON. Four hundred and fifty thousand dollars.

Q. Four hundred and fifty thousand dollars.—A. He allowed them $50,000, as I understand it, for the fact that the Government advanced nothing. That would only have taken half. Mr. Mudd never intended that motion to be that way. I think he made a sort of rough draft there on the Sperry amendment, and it may have been overlooked by the entire committee. I am sure there was no——

Q. If your committee is that careless, we can not appoint any of you Secretary of the Navy.—A. I am not applying for the position myself. There is no member of the naval committee, in my opinion, that understood Mr. Mudd's motion in that way.

Mr. HOWARD. Are any shrewd business men on that committee?

Q. There certainly is the record showing six of you voted for four boats, three millions and a half?—A. I will put it up to Mr. Mudd. I do not think he intended that motion to be put that way. These amendments that came afterward were prepared hurriedly there.

Q. Well, you would hardly get in as big a price as that in a hurry, if you are careful.—A. I do not think I voted for any such resolution or motion as that.

Q. There is the sworn record.—A. I think there is some mistake about it.

The CHAIRMAN. On behalf of the Lake Company, Senator Thurston wants this question asked: Is it not a fact that prior to competition between rival bidders this Government was compelled to pay $450 per ton for armor plate to the extent of many millions when the same armor plate was sold to the Russian Government for $300 a ton? Do you know anything about that?

A. I don't know, Mr. Chairman.

The CHAIRMAN. Just one word, before we take a recess until 10 o'clock to-morrow morning. One word about the evidence. If there is any other evidence that can be submitted to the committee, or names of any other witnesses, the committee would like to have them as soon as possible, and on this charge which is contained on page 32, which I will read again:

> I also submit as one of the facts influencing me to introduce my resolution that in my judgment, under special and exclusive legislation, the Electric Boat Company, and its predecessor, have already received from the United States an excessive profit of more than $1,000,000 for the construction of its submarines.

As I have said, the committee consider that one of the most serious specific charges in your sworn testimony, and when the evidence disclosed the small total amount paid for submarines appropriated to the date of that charge the amount of excessive profit charged become

even more shocking than it did when first made. Now, in the very nature of things that excessive profit could only have been due to one of two causes, either to corruption on the part of naval officials or to ignorance and inefficiency. Now, the committee understand that you do not charge that this was due at all to the corruption on the part of any naval official?

A. Not at all.

The CHAIRMAN. Permit me to ask these questions for a short categorical answer. The committee understand that you do not charge that this excessive profit was due in any way to the corruption on the part of any officials of the Navy Department?

A. I do not.

The CHAIRMAN. The reason for the committee wishing your positive sworn statement on that is this: If you charge that that was due in any way, directly or indirectly, to corruption of anybody connected with the Navy Department by the Electric Boat Company, this committee would not adjourn until it had ferreted that out to the bottom, if the committee sat here all summer. And another thing in connection with it, if there was any such charge as that, it would indicate what book ought to be produced in order to show money that was used in any such corruption, and I will say on behalf of the committee in this connection that all oral testimony which has been taken must be used as the basis for the books which were to be produced, and the fullest possible oral testimony showing what books will substantiate the sworn testimony is necessary as a basis, and you can realize through the advice of counsel that if there is any such testimony it should be in the hands of the committee before demands for the books are made. Now, the committee understand that you charge none of this excessive profit to any corruption of any of the officials of the Navy Department?

A. Not at all.

The CHAIRMAN. Then in the very nature of things it must be due to the ignorance or inefficiency, not in naval matters, not in navigation or gunnery, but to ignorance or inefficiency as practical, financial business men?

A. Lack of business ability and not enough competition. I wish, however, to say——

The CHAIRMAN. If you will permit first, on behalf of the committee, I will finish this. We are perfectly in accord now, if you are still convinced that there has been $1,000,000 excessive profit, notwithstanding the testimony of Admiral Capps and Secretary Metcalf, but that you think it is due to the practical business inefficiency of the officials of the Navy Department?

A. Lack of business——

The CHAIRMAN. Lack of business efficiency on the part of the Navy Department.

A. The million dollars involves the present contract, however, in round numbers.

The CHAIRMAN. That is absolutely a mere detail; but that the excessive profit, whatever it is and in whatever contract, you now say for the benefit of the committee, is due to practical business inefficiency?

A. And lack of competition.

The CHAIRMAN. And solely to that?

A. Yes, sir.

The CHAIRMAN. So that so far as the duty of this committee is concerned in investigating that charge they are at an end, are they not? In other words, can this committee examine any further into the present inefficiency of the Department?

A. No; I think not.

The CHAIRMAN. If that is your opinion, it would be merely a matter of opinion between you and other witnesses?

A. Yes, sir.

The CHAIRMAN. The committee will adjourn until 10 o'clock to-morrow morning.

(The committee thereupon adjourned until to-morrow (Saturday) morning, April 18, 1908, at 10 o'clock.)

HEARING UNDER HOUSE RESOLUTION 288.

SELECT COMMITTEE UNDER HOUSE RESOLUTION 288,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Saturday, April 18, 1908.

The committee met at 10 o'clock a. m.

All members of the committee were present except Mr. Broussard.

The CHAIRMAN. The committee will be in order.

REPRESENTATIVE GEORGE L. LILLEY—Recalled.

The CHAIRMAN. Mr. Olmsted, will you proceed with the examination of Mr. Lilley?

By Mr. OLMSTED:

Q. Mr. Lilley, referring again to yesterday's testimony, you were present when Mr. Webster testified, were you not?—A. Yes.

Q. He testified that House resolution 255, introduced by yourself, was prepared by him; that is, that the work on it was done by him and that you gave him directions or submitted a draft to him; you told him what you wanted done before you went to Connecticut, which occurred on Thursday, February 13. Is that correct?—A. I do not know as to dates, Mr. Olmsted. I would not attempt to fix any date. It was some days before we fixed the resolution that I asked him to prepare one.

Q. Do you remember what date you went to Connecticut?—A. I do not.

Q. I think he said you went to New York on business before you went to Connecticut. Does that help you to remember the date at all?—A. I think I could fix that date. Could you tell me what day Sunday came?

Q. Sunday would come on the 16th.—A. Well, I went to Connecticut along about the 13th; about the 13th, I should say.

Q. That agrees with Mr. Webster's testimony. Did you go to New York before you went to Connecticut?—A. I went from New York to Connecticut, but I don't think I stopped in New York to transact any business.

Q. Then some time before you went to Connecticut you suggested this matter to Mr. Webster and gave him whatever draft you did give him?—A. That is my recollection.

Q. Can you state how long before?—A. No; I can not.

Q. He said within a few days, or within a short time before you went there?—A. I think that is correct.

Q. Do you remember whether you submitted anything to him in writing, typewriting, or with the pen?—A. No; I did not, but I just

outlined to him what I wanted and asked him to look up resolutions of a similar character, and when he submitted his draft to me I made some changes in it. I do not just recall what they were.

Q. That corresponds with his testimony exactly.—A. And I am not sure whether it was not changed more than once before I finally introduced it.

Q. With whom did you tell him to consult about the matter or confer about the matter?—A. I did not tell him to consult with anybody. I told him to look it up.

Q. I think you said yesterday—I know you said yesterday—that you consulted with three or four Members of the House before you introduced the resolution.—A. Yes; after it was drawn. My recollection is that the only people who ever saw the resolution or knew that it was drawn up or was to be introduced was some Members of the House.

Q. Who were they?—A. Mr. Sherman, Mr. Payne, Mr. Dalzell, and Captain Hobson are all that I recall.

Q. I thought you mentioned one or two others in your first testimoney, on the 9th of March.—A. I do not think so.

Q. I thought you mentioned one Member from Ohio.—A. A Member from Ohio I do not think ever saw the resolution until after it was introduced.

Q. I mean whether you mentioned the subject-matter?—A. Not until after it was introduced. I do not remember any conversation with him.

Q. Do you remember about when you talked with these gentlemen you name?—A. Mr. Payne and Mr. Dalzell, the morning of the day I introduced it, I think I showed it to them.

Q. Then did you show it to them in the form in which you introduced it?—A. I think so. I do not think I changed it after that—it might have been, though. That was in the morning; I introduced it about 2 o'clock.

Q. It was in the morning that you talked with them about it?—A. I think so—in the morning, soon after the House came in.

Q. Mr. Webster says he made the final copy with the view to put in the basket; he said he finished it about 1 o'clock that day.—A. Well, I would think that it was a little earlier than that; I would think that I took that with me when I went over to the House, but I won't be positive about that.

Q. That is important. I simply wanted to know whether you showed them the final, the exact resolution that you introduced, or whether you modified it somewhat after you showed it to them?—A. I do not think it was modified; it may have been. I changed it two or three times.

Q. When did you show it to Captain Hobson?—A. On the morning that I introduced it.

Q. Had you shown it to him before that?—A. I think not. I met him at the White House and we came out together. My remembrance is that while walking up from there—I think we walked to the Capitol—I showed it to him.

Q. Had you had any conversation with him on the subject of the investigation prior to that time?—A. No; I think not. No; I do not think I ever talked with anyone except Mr. Sherman until the morning of the day—I won't say the morning—somewhere around

noon, or after the House came in or before. I showed it to Captain Hobson before the House came in.

Q. I do not mean about this particular resolution, but the subject of any resolution?—A. No; I do not recall showing it to anyone except Mr. Sherman.

Q. Did you give your secretary, Mr. Webster, any directions to talk with any person about it?—A. No, sir.

A. Of course, you do not know whether he did talk or not?—A. I think he testified yesterday that some newspaper man had a copy, but never by any authority from me; but I guess that was after the resolution had been introduced.

Q. Did you say to any member of the Naval Committee about the time—I do not remember the date—about the time the action was taken in the committee on submarines, on that portion of the naval bill, did you say to any member of the Naval Committee that you would call for an investigation?—A. I do not recall having said so; still I may have; I do not recall it. Things were a little heated that morning. I would not attempt to say all that was said there, while I do not recall having said those words.

Q. Did you say anything about introducing a resolution?—A. I do not recall having said anything about it.

Q. Or anything about having the matter investigated?—A. I do not recall, but I would not say that I did not. I do not recall having made any such statement.

Q. Did you say that unless there was open competition provided for anything of that kind would occur?—A. I do not recall making any statement of that kind. I talked about open competition, always have, not only in submarines, but in everything else.

Q. But you do not recall whether, in the heated condition of affairs about that time in the Naval Committee, you did say that unless open competition was provided in the naval bill you would feel that you ought to cause an investigation?—A. I do not recall having had any such conversation with anyone; still, I would not swear positively that I may not have said something that might be construed into that, but I have no recollection of speaking of the investigation. I know that open competition was talked of a great deal, but so far as that was concerned, whether it would be open competition or saying I had not expected to vote for any such number of submarines, would not have, and voted against the whole of them in the House yesterday, even with open competition——

Q. Against any submarines?—A. I voted against any submarines.

Q. How did you vote on subsurface boats?—A. In the committee I voted to leave with the Department the opportunity to buy one if they thought it was wise; to buy one provided these people built and it came up to the requirements that they claimed for it.

Q. You voted for Mr. Hobson's proposition appropriating $445,000 to contract for the purchase of one destroyer or torpedo boat of the type known as subsurface, semisubmerged, or the like, the essential feature of which is to have during its operation some portion of its hull or superstructure always on or above the surface, such vessel to cost not to exceed $400,000, and one small vessel to cost not to exceed $22,500—two small boats?—A. I do not think that I voted for more than one of them.

Q. You are right. The motion was divided so that the $400,000 boat proposition was voted for by itself.—A. That does not direct the Secretary to buy it, does it?

Q. I will read from the minutes of that meeting:

The following motion was made by Mr. Hobson:

"The Secretary of the Navy is hereby authorized, in his discretion, to contract for or purchase one destroyer or torpedo boat of the type known as subsurface, semisubmerged (or the like), the essential feature of which is to have during its operation some portion of the hull or superstructure always on or above the surface, such vessel to cost not to exceed $400,000, and to have a speed not less than 22 knots; also for two small vessels of like type having a speed of not more than 16 knots and to cost not to exceed $22,500 each: *Provided*, That before any vessel of the type provided for in this paragraph shall be purchased or contracted for a vessel of such type shall have been constructed complete and of full size for naval warfare and submitted to the Navy Department for such trial and tests as the Secretary of the Navy may, in his discretion, prescribe, and as the result of such tests, be demonstrated to have fulfilled all the reasonable requirements of naval warfare for a vessel of its class, and for these vessels the sum of $445,000 is hereby appropriated to be available until expended."

The motion was carried that the motion of Mr. Hobson be divided so that a vote be taken on the one large vessel alone and the two smaller vessels combined, but separate from the larger vessel. The vote on the larger vessel mentioned in the motion of Mr. Hobson was recorded as follows:

In the affirmative: Messrs. Loudenslager, Butler, Mudd, Bates, Lilley, Dawson, Hobson—7.

In the negative: Messrs. Foss, Roberts, Thomas, Padgett, Gregg, Lamar—6.

The motion was recorded as carried.

The vote on the two smaller vessels mentioned in the motion by Mr. Hobson was recorded as follows:

In the affirmative: Messrs. Foss, Loudenslager, Butler, Mudd, Roberts, Thomas, Dawson, Padgett, Gregg, Lamar, Hobson—11.

In the negative: None.

Present and not voting: Messrs. Bates, Lilley—2.

Q. That corresponds with your recollection. You then voted, Mr. Lilley, for the $400,000 boat, but did not vote for the two small boats, $22,500.—A. I voted to give the Secretary discretionary powers if it fulfilled all the things they claimed.

Q. You voted for the motion for competition?—A. Yes, sir.

Q. Did that provide for any open competition?—A. I do not think there is any other corporation building what is known as a subsurface boat. That does not shut out competition, as I understand it.

Q. Do you know the difference in cost between a subsurface boat and a submarine boat?—A. No; I do not.

Q. Then you voted for that to cost not over $400,000 for one boat without having a knowledge as to what would be a fair price for the boat?—A. I had no knowledge of what submarine boats cost.

Q. The vote was 7 to 6, and that proposition was carried by your vote—at least it would not have been carried without it. Of course that is a mathematical fact that does not require an answer. Now, had there been any previous conversation, conference, or agreement between yourself and any other member of the committee by which you had promised to vote for that proposition?—A. No, sir.

Q. Had it been discussed between yourself and any other member of the Naval Committee?—A. No, sir; except as it was discussed in open meeting.

Q. There is one other matter I would like to ask you about at this point I had really forgotten—I do not think we asked you about it or knew about it when you were on the stand the first time—and

that is your conversation with Mr. Loud about Mr. Gordon or Mr. Loud's conversation with you. It has appeared here in the testimony since you were first on the stand; I think Mr. Loud himself testified to some conversation between you and himself on some foreign trip. Were you and Mr. Loud together on some trip to Hawaii or somewhere?—A. No; we were on the *Dolphin* on an investigation of yards and docks last summer.

Q. What conversation occurred between yourself and Mr. Loud at that time? Did you hear Mr. Loud's testimony?—A. I did.

Q. Or have you read it—you heard it?—A. I heard it.

Q. Is that substantially correct?—A. Substantially correct.

Q. Now, to whom had you told the substance of that conversation—I mean before the introduction of your resolutions?—A. I could not say.

Q. Do you remember, then, the telling of it to anyone?—A. I do not recall the particular person; I may have told it.

Q. Mr. Edinborough testified that he had learned from Mr. Loud of his annoyance at the employment of Mr. Gordon, who lived in his district, and Mr. Edinborough testified that he had told no person of it. Mr. Loud said he had told no person except yourself, and I merely wish to inquire whether you remember having told anyone before the introduction of your resolution?—A. I do not think Mr. Loud testified that he had not told anyone. Well, I am not responsible for Mr. Loud's memory.

Q. I will ask you whether from your own memory you have not told any other person before the introduction of the resolution before February 20, 1908?—A. I could not give the name of the person or state positively whether I had or not. I may have.

Q. Could you recall whether you mentioned it to Mr. Webster?—A. Well, I do not recall any conversation with Mr. Webster, I think not, nor with any other of my employees. I never talk these matters over with my employees, either here or at home.

Q. It would not be unnatural, perhaps, in view of the fact that you had directed him to prepare the resolution?—A. I do not think I had any conversation whatever with Mr. Webster except to get me up such a resolution. I heard him testify yesterday that I told the Taylor incident to him up home, and of course did, but I do not recall it. I do not recall the occasion.

Q. That is one thing that led me to think that perhaps you had talked to him about the Loud matter also.—A. I do not recall it that I did; it is not impossible, by any means.

Q. Have you talked to Mr. Neff about it?—A. No. I did not talk to Mr. Neff anything about the resolution until after it was introduced, anything except the motion and the bill that I stated.

Q. You might incidentally have mentioned to him the Loud matter without saying anything about the resolution?—A. I have never spoken to anyone in any wise connected with any boat company about what was in my mind or what I knew as to those charges until after the resolution was introduced, not at any time.

The CHAIRMAN. I understood, Mr. Lilley, that you preferred not to go on any further than necessary to-day. It is immaterial to the committee, but the committee wishes to get on some other witnesses now, and you can be excused for the rest of the day.

The WITNESS. I got up feeling pretty badly this morning. I think I caught cold in the severe draft yesterday, and I have a pretty severe headache. I would go on, if the committee would like to have me. I am feeling somewhat better now.

The CHAIRMAN. The committee wishes to call some other witnesses now who wish to go out of the city.

The WITNESS. I promised to let you have some things. I have here a letter from the Commissioner of Patents, dated April 8, 1908, to Hon. George L. Lilley, House of Representatives, Washington, D. C.:

DEAR SIR: In response to your verbal inquiry of the 6th instant, as to whether or not any patent has been granted to Charles P. Nelson for a nonfogging optical instrument, I take pleasure in informing you that I have had a search made covering the period since January 1, 1898, and that no patent has been issued to the said Nelson during that time, more than ten years.

Very truly, yours,

EDWARD B. MOORE, *Commissioner.*

I have here a document: "State of Connecticut, county of New Haven, April 4, 1908, Charles M. Hobson, of the city of New Haven"——

The CHAIRMAN. There are affidavits in reference to some testimony. If you will just submit them to the committee, if it is something that can be substantiated by oral evidence, we will call the witnesses.

The WITNESS. I would like to have them either put in the hearings or the parties making them summoned.

The CHAIRMAN. Any suggestions as to testimony to be brought before this committee in a proper way the committee will be glad to consider.

The WITNESS. Of course I desire to have them summoned or put into the public record. Here is one relating to the Butler matter, which is a matter of record in the courts here. I would like to have the clerk of the court testify that that is a correct copy, and I have a letter here addressed to the chairman saying I would like to have Admiral Bowles summoned in connection with the Army and Navy Departments, and so on, and also John P. Holland; and I have here some letters which I will also lay before the committee.

By Mr. OLMSTED:

Q. Mr. Lilley, in reference to Mr. Holland, does his testimony have any relation to the present Congress?—A. Mr. Holland has written me two or three letters.

Q. Will they disclose what would probably be the subject-matter of his testimony?—A. And I have noticed an article of interviews with him in the papers, saying he could throw a good deal of light on this subject if he were to be summoned by this committee. Probably you have seen the same.

Q. I have not seen it.—A. I think it was in the New York Herald; I am not sure. Some of these letters are of a confidential nature.

The CHAIRMAN. The committee will consider them also—the letters and affidavits and whatever competent testimony they disclose will be considered by the committee.

The WITNESS. And if these affidavits are not published, or the ones making them are not summoned, they will be returned to me before the report is made?

TELEGRAM

REGISTERED TRADE-MARK. DESIGN PATENT NO. 38369.

The Postal Telegraph-Cable Company (Incorporated) transmits and delivers this message subject to the terms and conditions printed on the back of this blank.

COUNTER NUMBER.	TIME FILED. M.	CHECK.

Send the following message, without repeating, subject to the terms and conditions printed on the back hereof, which are hereby agreed to.

Loud voted for this $1,476,396. 60 graft, in the Naval Committee. There is a story in circulation that the Holland people got a prominent attorney to become a candidate against Loud last time that Loud finally agreed to vote for the submarines upon deal that the attorney withdraw- the attorney withdrew.

Subscribe foe N.Y. HERALD and Washington POST.

Loud can be defeated on this proposition alone by you.

Watch Congressional Record.

Have your local papers play up proposition.

Have them write Loud for explanation and whether the withdrawal story is true.

COPY OF ANONYMOUS LETTER RECEIVED BY MR. EDINBOROUGH, MADE BY COMMITTEE STENOGRAPHER ON SMITH PREMIER TYPEWRITER IN OFFICE OF LAKE TORPEDO BOAT COMPANY.

The CHAIRMAN. Yes; all the original documents will be returned to you. That will do for the present.

Among the charges submitted to this committee for investigation one of the most serious is the charge that corrupt means have been used to secure the defeat or nomination or the election of Members of the present Congress. Such a charge gravely reflects upon the character and integrity of the House and deserves the most exhaustive examination of this committee. The only case of the kind which this testimony has disclosed is the cowardly attempt that has been made partly through anonymous communication to blacken the character and defeat the nomination and ruin the career of Representative Loud, of Michigan. As no one had the courage to admit the authorship of these dastardly communications, or even the decency to anonymously communicate to this committee any information that would lead to the discovery of this gross offense, this committee feels that the burden has been laid upon it to discover, if possible, the authorship of these communications so intended to blacken the character and defeat the nomination and ruin the career of one of the Members of the House. We therefore called upon the proper Department of the Government for recommendations as to the leading experts of the country, or of the world, to testify as to the authorship of these anonymous communications. Upon their recommendation to Doctor Carvelho, the expert, there was submitted everything which had come before this committee for his examination and report, and upon his preliminary report we asked him to submit it, the matter which he had, to two other leading experts of the country, which he says that he has done. The committee will therefore call these experts simply to bring before the committee the facts which they have discovered in reference to these infamous anonymous letters. I will call Mr. David N. Carvalho. Will you take the stand?

TESTIMONY OF DAVID N. CARVALHO.

DAVID N. CARVALHO, on first being sworn, upon being examined, testified as follows:

By Mr. OLMSTED:

Q. Where do you reside?—A. New York City.

Q. What is your occupation?—A. Examiner of questioned handwriting, inks, paper, and typewriting.

Q. How long have you been following that profession?—A. Covering a period of thirty-five years.

Q. State whether you are now or have been recently doing any expert work of that character for the Government of the United States or any of its branches.—A. Yes, sir; I have been frequently called, and within the past year I gave service to the Government of the United States in a criminal case in Washington, D. C.

Q. What case?—A. The Holmes case.

Q. Did you testify in the somewhat celebrated case of Oberlin Carter?—A. I did.

Q. On behalf of the Government?—A. For the Government.

Q. Have you at any time been employed by the Secretary of the Treasury?—A. Not the present Secretary of the Treasury, but I have been employed by Mr. Manning, when Secretary of the Treasury, and Mr. Lamont, when Secretary of the Treasury.

Q. Were you the expert who was called in on the occasion of the receipt by a high Government official of an anonymous communication?—A. Do you mean during the incumbency of President Cleveland?

Q. Yes.—A. Yes, sir.

Q. Did your testimony at that time agree with the Treasury experts?—A. No, sir.

Q. It developed the writer of the anonymous letters?—A. Yes, sir.

Q. What became of him?—A. He was dismissed. He was an employee in one of the Departments.

Q. Did you ascertain the identity from a consideration of——A. From everybody's handwriting employed in the office. I think there was some sixty handwritings.

Q. Did he or did he not admit finally the truth of your findings?—A. I can not say that, sir. I know that the President, Mr. Cleveland. was thoroughly satisfied about the matter, also Mr. Manning, and the young lady, who had been charged with having written the communications, was restored to her position and subsequently put in a better one, as a sort of recompense for the false charge.

Q. Just mention some of the cases in which you were concerned.—A. I testified in this city in what is known as the Holt will case. Mr. Holt was Judge-Advocate during the Presidency of General Grant, and his will, purported to be witnessed by General Grant himself and by William T. Sherman and by Mrs. William T. Sherman. It purported to have been signed by Judge-Advocate Holt, and I had declared the signature to be a forgery, and the signatures as witnesses also of General Grant and General Sherman and his wife, and that was the decision of the jury, that the will was a forgery.

I have testified in open court more than a thousand times, all over the country; for thirty years last past I have been employed constantly as the office expert in the office of the district attorney for the county of New York. I have had occasion to testify in a number of homicide cases, will cases, and most of the large cases that have come up during the last twenty or thirty years.

Q. What important cases?—A. I testified in the Monroe will case. the Myra Clark Gaines will case in Louisiana; the Gordon will case in New Jersey; the Demsey will case in New Jersey; the Davis will case in Montana; the Churchill will case, the Stephens will case, the Schneider will case, the Hoyne will case, the Tighe will case, the Jacob Z. Davis will case of California; the Conway will case, the Muller will case in New Jersey; the Albinger will case, the Halsey will case, the William T. Rice will case, the Fairweather will case. the Wilson will case, the Lewis will case, the Messchert will case. both of Pennsylvania, the latter of which was substantially a will case; the Fuller will case, the Crawford will case, lately decided in Scranton, Pa.; the Dimon will case, the case of Angus *v.* Craven, of California, in which was developed the Fair will case of Ex-Senator Fair; the Miser Paine will case, the Isbell will case, the Hopkins will case, the Russell will case.

Among some of the homicide cases, the Commonwealth of Massachusetts *v.* Trefethen, for murder; the State of New York *v.* Dougherty, for murder; the State of New York *v.* Caesar, murder; the People *v.* Patrick; the People *v.* Molineaux; Commonwealth of Massachusetts *v.* Tucker; the Cornish-Pearce case in Maine, which was a

typewriting case strictly; the Lawless-Fleming case, the Bhelan Press Publishing Company case; the Kerr-Southwick case; the Thorless-Nernst case, that was a patent case.

Q. I think that is enough. You mentioned a case in Scranton, Pa.—A. I did.

Q. What was that case?—A. The case of Mr. Crawford; a will purporting to have been signed by him, typwritten (which was made from a rubber stamp), both the will and the codicil. That was first tried in the surrogate's court, and decided that the will was a forgery, and carried up to the higher court of Pennsylvania, who said it was a case for a jury to decide. It was tried in January of this year at Scranton before a jury, which decided it was a forgery, and within the past two weeks the man who had propounded the bill and who was a beneficiary, the largest beneficiary under it, both himself and the two witnesses confessed, after being indicted, that they had not witnessed it, and the man that it was a forgery, and he was sentenced to ten years and the two witnesses to five years apiece.

Q. That was a forgery?—A. That was a forgery of his signature, but with a rubber stamp, and the two rubber imprints duplicated each other, and done very nicely, so as to give the idea that it was the genuine signature.

Q. Was it a typewritten will?—A. It was typewritten, and also the codicil.

Q. You say the signature was with a rubber stamp?—A. Yes, sir.

Q. Can you tell from a number of typewritten papers which ones were written on the same machine?—A. Yes; if I am given time enough.

Q. You appeared before this committee in executive session, when?—A. The 7th of this month.

Q. Will you state whether or not these papers were submitted to you. I hand you a paper reading as follows:

The New Willard, Washington.

For Mr. CARMICHAEL:

A Congressman does not want to get what happened to Lessler, but here is is a big story tip for what it is worth.

"The submarine people brought out a candidate—a prominent lawyer—against Loud. He withdrew upon agreement of Loud to vote for submarines."

Frank Edinborough—a Michigan senator—former secretary to Loud, knows details.

I hand also to you an envelope in which that was received purporting to be addressed: "Detroit Free Press, Washington, D. C.," postmarked, "Washington, February 12, 8 p. m., 1908," and it appears to have on an envelope the name "The New Willard, Washington," on the reverse side. It also has upon the reverse side the postmark, "Washington, D. C., Feb. 12, 8 p. m.," this being a paper which was heretofore produced and testified to by Mr. Carmichael and appears at page 769 in our record. State whether that paper was submitted to you by this committee?—A. That paper was placed in my hands by the chairman of this committee on the 7th of April, this year.

Q. I hand you also a typewritten letter on a blank of the Postal Telegraph Commercial Cable System, reading as follows:

Loud voted for this $1,476,296.60 graft in the Naval Committee. There is a story in circulation that the Holland people got a prominent attorney to become a candidate against Loud last time—that Loud finally agreed to vote for the submarines upon deal that the attorney withdraw, the attorney withdrew.

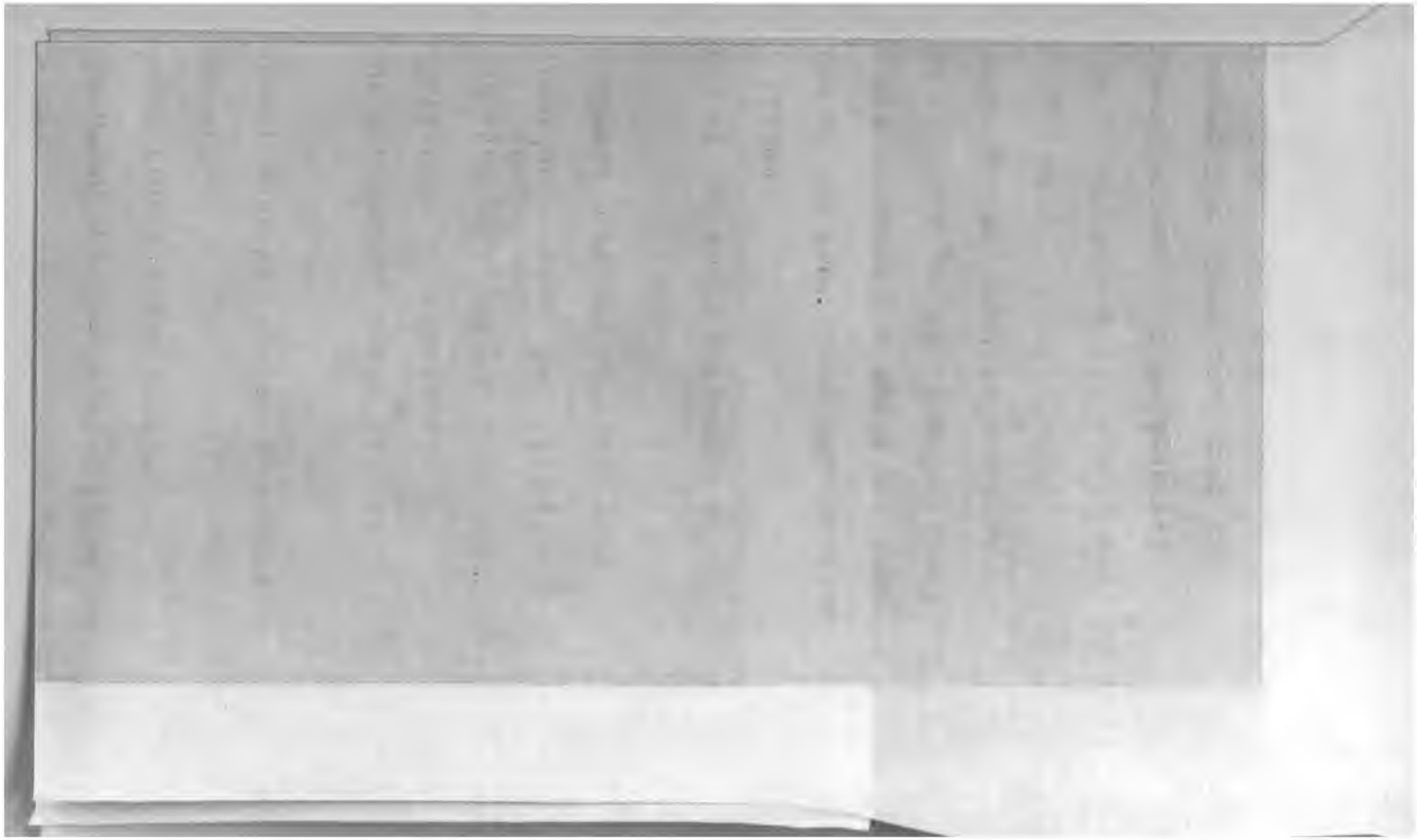
Subscribe for New York Herald and Washington Post.
Loud can be defeated on this proposition alone by you.
Watch Congressional Record.
Have your local papers play up proposition.
Have them write Loud for explanation and whether the withdrawal story is true.

State whether that paper was handed to you at the same time.—A. It was.

Q. I will state that this is a paper produced by Mr. Edinborough before this committee and testified to by him, printed on page 726 of our record. Also the envelope in which he testified to having received that document, addressed "Frank Edinborough, Bay City, Mich.," postmarked "Washington, D. C., February 15, 1908," and it looks like "[illegible] p. m." On the reverse side it bears the postmark, "Bay City, February 17, 1908, 7 a. m.," and also "Station A, Bay City, Mich., February 17, 2 p. m., 1908." Was that also submitted to you?—A. That was shown to me later.

Q. State whether there was at that time submitted to you a number of typewritten papers, and I hand you this bundle; I do not know whether they were all submitted to you or not, but a good many of them were. State whether you find any in there that were submitted to you.—A. Can I state the circumstances about my picking them out.

Q. Yes.—A. A great mass of typewritten matter was submitted to me for the purpose of seeing if I could identify the New Willard letter and the typewriting on the telegraph blank. And after a considerable time I selected out four of what appeared to be four complete documents, which I have marked "C 1," "C 2," "C 3," and "C 4." Some of these documents are signed in lead pencil, "George L. Lilley." And on these I gave a tentative report, and said in order to ascertain to my satisfaction whether or not they corresponded and coincided with the two anonymous communications, as I will call them, because they are unsigned, it would be necessary for me to have sufficient time and to be able to make photographs, and where I could find duplicate words in the unknown writings or in the anonymous writings, to juxtapose them with like words in the typewriting which I had marked "C 1" to "C 4," inclusive. And I was told that I could proceed to do so, and also cautioned to be particularly careful before formulating an opinion, and to treat this matter just the same as if the liberty or life of an individual was at stake. And while I want to say that I am always careful, I did exercise extra caution. I had photographed [illegible] numbering them first line by [illegible] lines of typewriting that I employed in my comparisons. The photographs were made of each page, with the numbers, [illegible] and I have prepared a [illegible] where I have juxtaposed words as [illegible] the other paper for the purpose of calling [illegible] peculiarities and other [illegible] as I claim to both the anonymous and [illegible] writings. And [illegible] I may be permitted, [illegible] you wish to have it [illegible] photographic negatives of various [illegible] inclusive, and also [illegible] communications,



Subscribe for New York Herald and Washington Post.
Loud can be defeated on this proposition alone by you.
Watch Congressional Record.
Have your local papers play up proposition.
Have them write Loud for explanation and whether the withdrawal story is true.

State whether that paper was handed to you at the same time.—A. It was.

Q. I will state that this is a paper produced by Mr. Edinborough before this committee and testified to by him, printed on page 726 of our record. Also the envelope in which he testified to having received that document, addressed "Frank Edinborough, Bay City, Mich.," postmarked "Washington, D. C., February 15, 1908," and it looks like "9.30 p. m." On the reverse side it bears the postmark, "Bay City, February 17, 1908, 7 a. m.," and also "Station A, Bay City, Mich., February 17, 2 p. m., 1908." Was that also submitted to you?—A. That was shown to me later.

Q. State whether there was at that time submitted to you a number of typewritten papers, and I hand you this bundle; I do not know whether they were all submitted to you or not, but a good many of them were. State whether you find any in there that were submitted to you.—A. Can I state the circumstances about my picking them out.

Q. Yes.—A. A great mass of typewritten matter was submitted to me for the purpose of seeing if I could identify the New Willard letter and the typewriting on the telegraph blank. And after a considerable time I selected out four of what appeared to be four complete documents, which I have marked "C 1," "C 2," "C 3," and "C 4." Some of these documents are signed in lead pencil, "George L. Lilley." And on these I gave a tentative report, and said in order to ascertain to my satisfaction whether or not they corresponded and coincided with the two anonymous communications, as I will call them, because they are unsigned, it would be necessary for me to have sufficient time and to be able to make photographs, and where I could find duplicate words in the unknown writings or in the anonymous writings, to juxtapose them with like words in the typewriting which I had marked "C 1" to "C 4," inclusive. And I was told that I could proceed to do so, and also cautioned to be particularly careful before formulating an opinion, and to treat this matter just the same as if the liberty or life of an individual was at stake. And while I want to say that I am always careful, I did exercise extra caution. I had photographed Exhibits 1 to 4, inclusive, numbering them first line by line, and making 256 lines of typewriting that I employed in my comparisons. The photographs were made of each page, with the numbers, and with the letter "C" mark to each, and I have prepared a chart enlarged by photography where I have juxtaposed words as found in one and as found in the other paper for the purpose of calling quick attention to the idiosyncrasies and peculiarities and other characteristics that pertain, as I claim, to both the anonymous and the known writings. And in line with that, if I may be permitted, I will submit the nine negatives from this box, if you wish to have it marked as an exhibit, which are photographic negatives of various pages of what I have called "Exhibits C 1 to C 4," inclusive, and also the photographic negatives of the two anonymous communications,

Description of Plates 1 to 11.

PLATE 1.—Enlargement four diameters on all plates.
Comparison of capital "D's" which slant two degrees to the right. Capital "O" prints high, to the right, and heavy on right side. Capital "L," main staff usually inclined to the left one and one-half degrees.

PLATE 2.—Alignment of figures: Figure "1," the capital "I" instead of the small "1." Figure "4" low and slightly inclined to the left. Figure "7" high. Figure "6" very high and to the right. Figures "2" and "9" normal. Naught (the capital "O") high and to the right and heavy on right side.

PLATE 3.—Small "v" heavy; see also plate 4. Small "e," word "whether" high and light. Small "o" in word "out," high, heavy on upper right side.

PLATE 4.—Small "e" light and to the right. Small "v" heavy. Small "w" light and broken impression. Small "i" slightly to left. Small "a" broken at lower left-hand side; see also plate 7. Small "h" broken or indistinct at upper part of last portion; see also plates 6 and 7.

PLATE 5.—Small "y" heavy on right side and printing a little to the left; see also plate 11. Small "o" high and heavy on right-hand side. Small "p" heavy on right.

PLATE 6.—The word "the." Small "e" high. Small "h" broken at top of last part. Small "e" sometimes rotated slightly to right.

PLATE 7.—Comparison of words "that" and "to." Small "a" broken at base at left. Small "o" heavy on right.

PLATE 8.—Small "r" slightly rotated to right and printing to left of normal position. Small "b" usually inclined two degrees to left of vertical. Small "m" lighter and more indistinct than accompanying letters. Small "e" high. Small "s" low and to right.

PLATE 9.—Capital "H" heavier on right than on left side and printing slightly to the right of normal position too near small "o." Small "o" heavy, high and widest on right side. Small "a" usually indistinct or broken at lower left side, especially on light impressions; see other plates.

PLATE 10.—Small "d" usually prints slightly inclined to right and lower left-hand portion broken; see also plate 9. Small "n" usually heavier on left-hand side. The word "of" with heavy "o" and lighter small "f."

PLATE 11.—Comparison of words "State," "by," "become," "worth," "what:" Small "e" high, "b" slanting to left, "y" heavier on right. Small "o" heavy on right. Small "w" indistinct. Small "a" light or broken at base.

Anonymous Standard Plate 1.

Tel 6 ALD 2/14 Did

NW. 1 FOR 4/1 [redacted]

NW 10 Loud 2/10 Lilley

Explanatory

Anonymous letters are "Postal Telegraph" letter and "New Willard" letter. These are abbrevated on plates as "Tel" and "N.W." The standard writings are "C 1" to "C 8". and references are as follows; "2/14" refers to "C 2" the fourteenth line.

Anonymous Plate 2.

Tel 1 $1,476,296.60

Standard

8/7 $1416 8/15 $745

8/8 $1040 8/16 $671

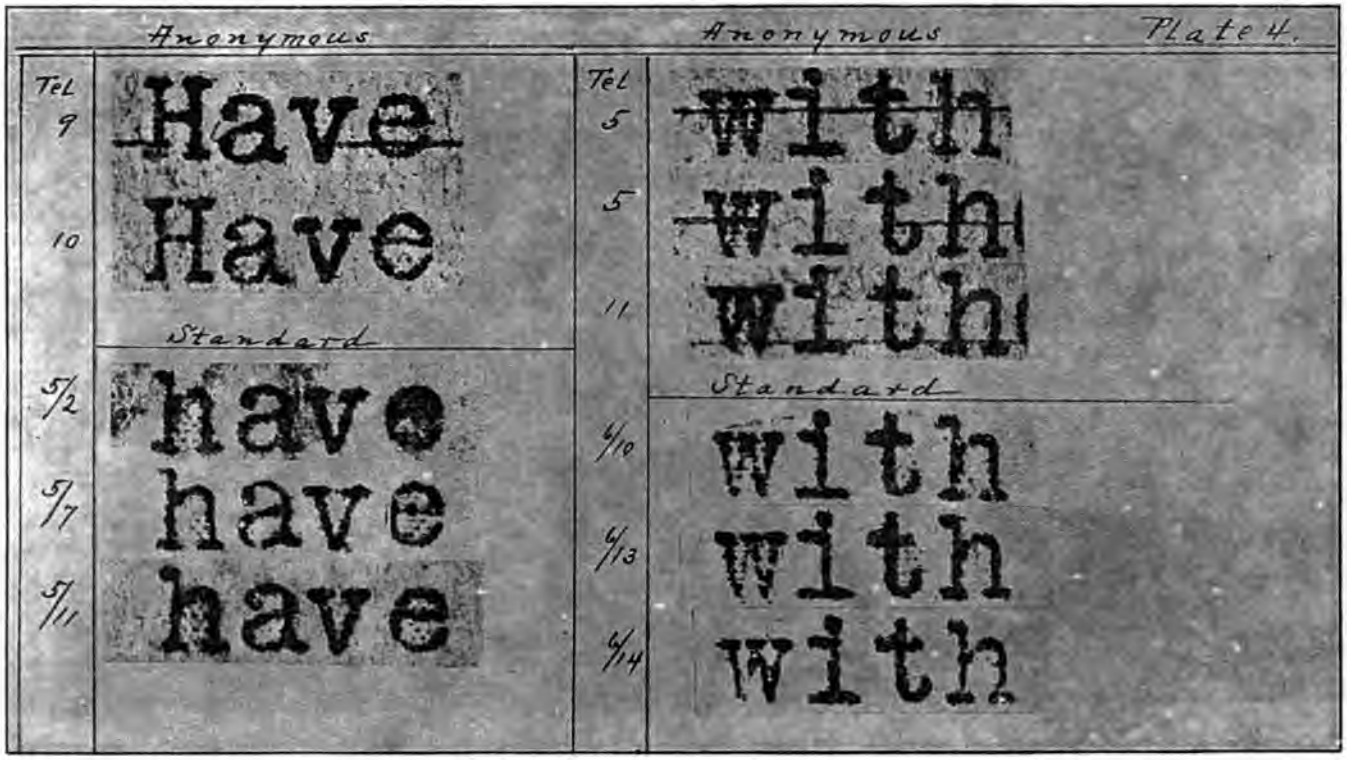
8/9 $1416 6/8 96.(

Anonymous. Plate 3.
Tel 1
Naval Committee.
Standard
8/1
Naval Committee
Anonymous
Anonymous
Tel 10
whether
KW. 5
out
Standard
Standard
2/9
whether
4/9
out

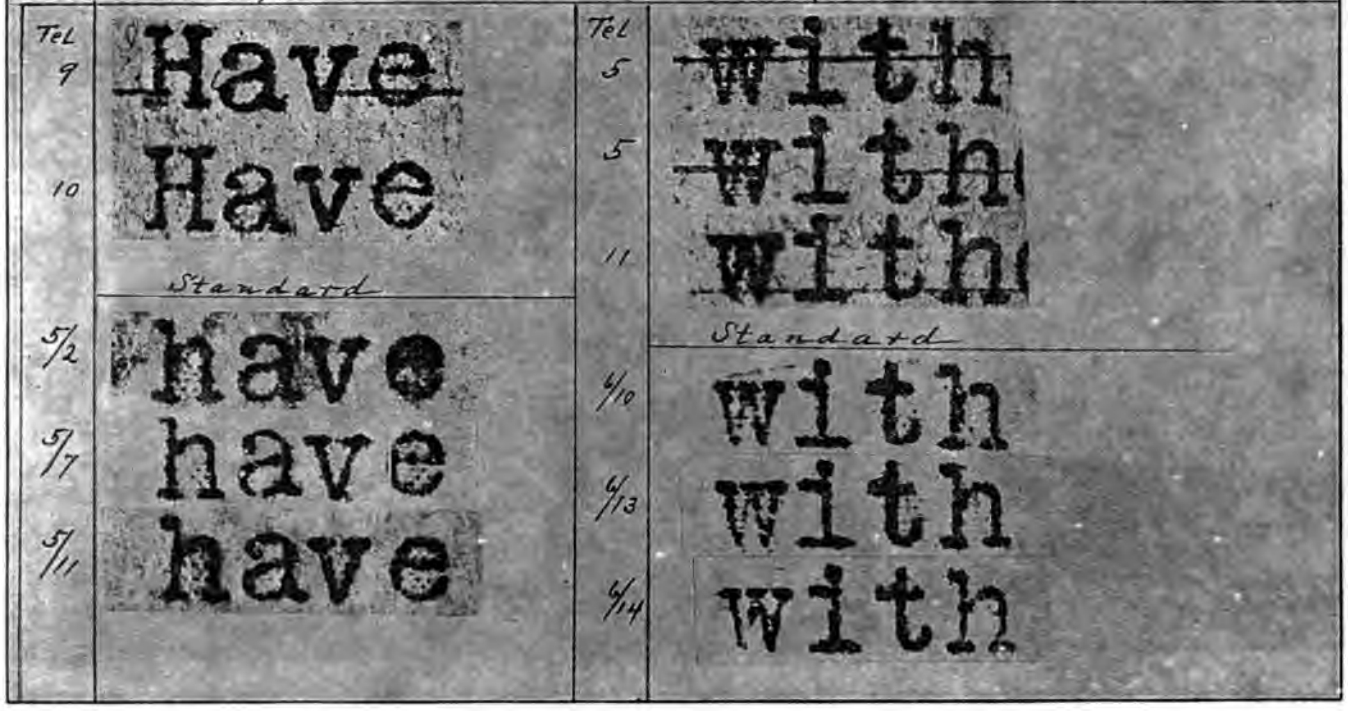
Anonymous

Anonymous

Plate 4.



Anonymous



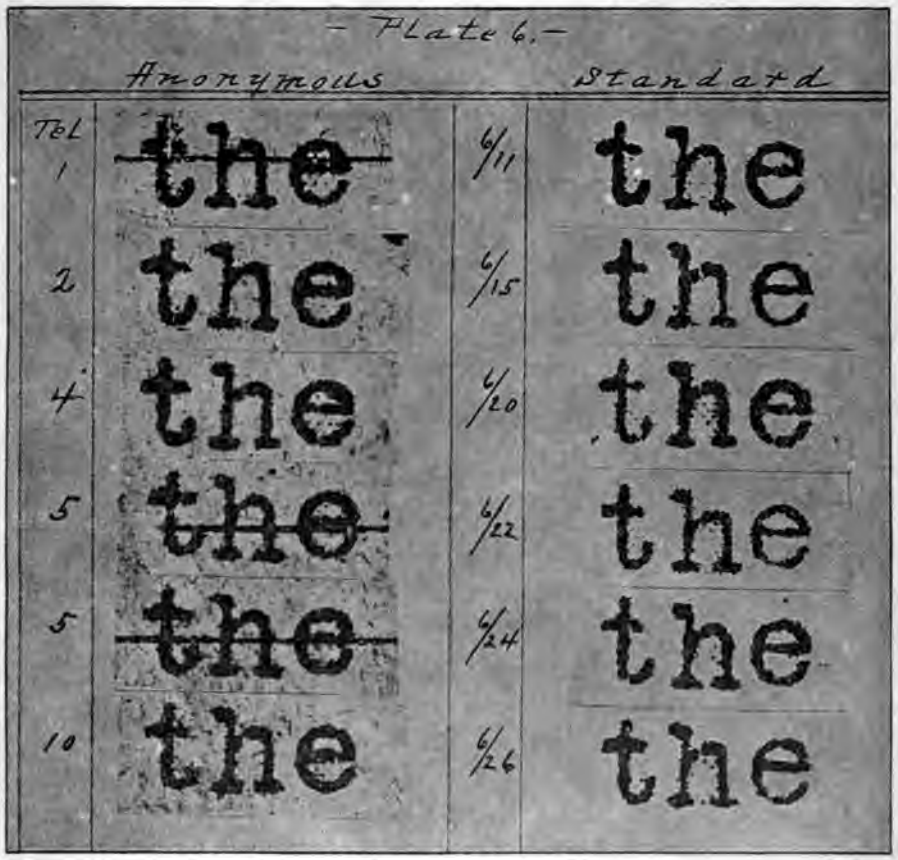
Anonymous

Plate 4.

Anonymous — Plate 5 — Anonymous

Tel 7	you	Tel 9	your	N.W. 7	upon
				Tel 4	upon
8/7	you	8/8	your		
8/11	you	8/13	your	8/12	upon
8/1	you			4/19	upon

- Plate 6. -


Anonymous
Standard
Tol
1
the
6/11
the
2
the
6/15
the
4
the
6/20
the
5
the
6/22
the
5
the
6/24
the
10
the
6/26
the

- Plate 7. -

Anonymous

T 2 that

4 that

5 ~~that~~

Standard

2/7 that

2/9 that

2/15 that

2/20 that

Anonymous

T 3 ~~to~~

4 ~~to~~

N.W. 2 to

3 to

8 to

10 to

Standard

2/12 to

2/13 to

2/15 to

2/16 to

2/18 to

2/20 to

Anonymous Plate 5.

submarine

Standard

submarine

submarine

submarine!

Anonymous

submarines

submarines.

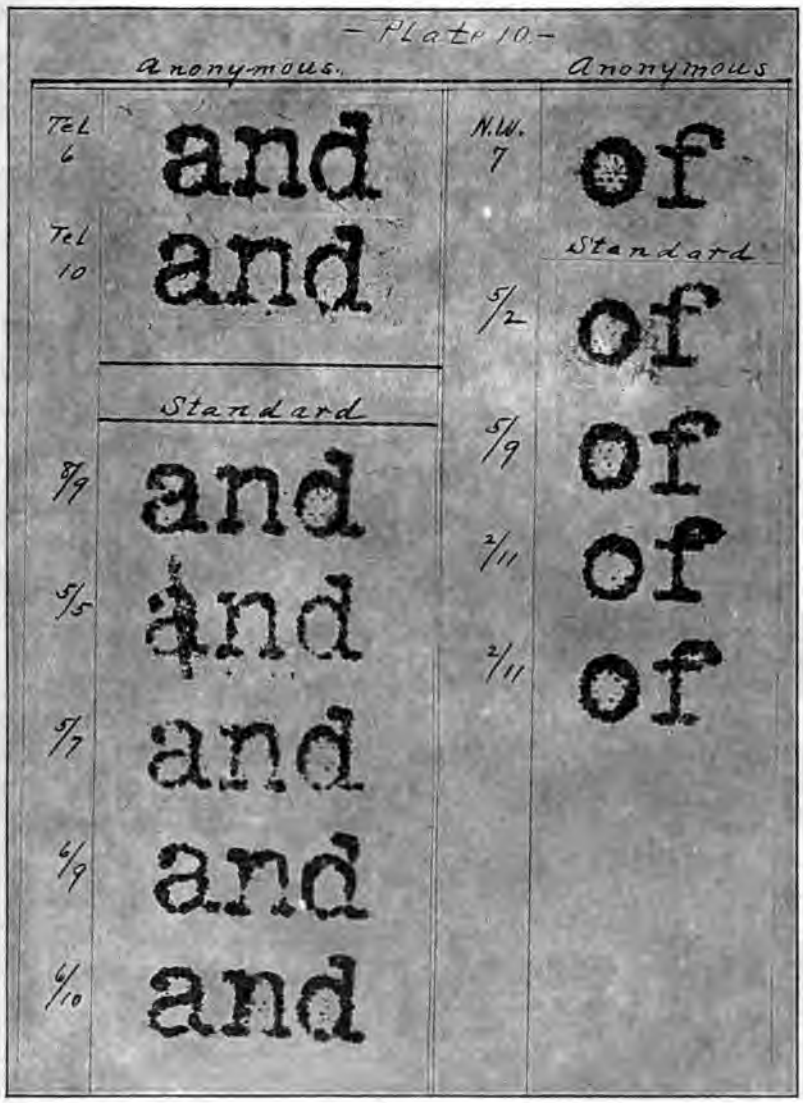
Standard

submarines

submarines

Anonymous - Plate 9.

Tel 2	Holland
	Standard
6/9	Holland
6/12	Holland
6/12	Holland
6/16	Holland.
6/20	Holland
6/21	Holland


- Plate 10. -
Anonymous.
Tel 6
and
Tel 10
and
Standard
8/9
and
5/5
and
5/7
and
6/9
and
6/10
and
Anonymous
N.W. 7
of
Standard
5/2
of
5/9
of
2/11
of
2/11
of

- Plate 11 -

Anonymous

N.W. 10

State

Standard

2/9

State

2/21

State

Anonymous

Tel 3

become

Standard

2/7

become

Anonymous

N.W. 4

worth.

Standard

6/18

worth

Anonymous

Tel 7

by

Standard

8/11

by

5/16

by

5/16

by

Anonymous

N.W. 3

what

N.W. 4

what

Standard

6/25

what

6/26

what

which are all made as nearly of the size, I should say facsimile size, as possible. They are contained in this box which I present to the committee.

Q. You have not as yet submitted those negatives to the committee have you?—A. They have been shown in part to the committee.

Q. This is the first time you have produced them?—A. Yes, sir.

Q. We do not care to look at them just now.—A. They have been in the custody of the committee for some little time. I have in my hand contact photographic prints made from the negatives.

Q. You say these negatives have been in the custody of the committee. I never saw them.—A. They have been in the custody of the committee since last week.

Q. They have been stored here?—A. Yes; in room 119.

Q. Sent by express?—A. They came by Adams Express, and I believe were received in the presence of the chairman or by his clerk. I found them there. I hold in my hand a set of photographic contact prints made from the said negatives, "C 1" to "C 4."

Q. Are these enlargements of the pages?—A. No; these are facsimiles, substantial facsimiles, of the typewritten matter contained in this package; and I also hand you photographic contact prints made from the two negatives, respectively, being the anonymous communication on the New Willard blank and the anonymous communication on the Postal Telegraph blank.

My purpose in preparing those was to be able to cut out and juxtapose like words and letters as far as possible, and what I am presenting now is a chart which I prepared where the asterisk appears with a number following it, calling attention to the lines in numerical order on the anonymous communication of the New Willard Hotel blank. And where the other numbers appear, for instance, "2/10," alongside of a word that always means "C 2," tenth line, or where it says "4/19," that means "C 4" and the nineteenth line. Calling attention where that word appears which has been cut out of that chart, that is 46 reasons to support—or 46 exemplars of the typewriting either in words or bits of words, which I find in the anonymous communication on the New Willard blank, are contained on the chart.

Now, from that chart a photographic enlargement has been made, enlarged about fifty-six one-hundredths.

Q. Right here, let me interrupt you, so that we may understand this chart. What does that star indicate?—A. That is what I call an asterisk, and it calls attention, where you have your pencil, to line 8 of the Willard Hotel blank, or anonymous letter.

Q. Does the asterisk mean the Willard Hotel blank?—A. Wherever you find that, it pertains to the hotel blank.

Q. What mark indicates the anonymous letter on the telegraph blank—A. There is nothing on here referring to the telegram whatever.

Q. Where I find the word "submarine" I find it here 8 times.—A. Those are all the words "submarine" that appear in the 256 lines that I used for the purpose of comparison. I took them all.

Q. And this is to show a similarity of the words?—A. In order to show the similarity as between the word where it reads "the submarine people brought out a."

Q. Where does that line occur "the submarine people brought out a?"—A. [Witness designates on chart.]

Q. That is the New Willard anonymous letter?—A. Yes, sir.

Q. Then, in the other, "the submarine" and "submarine people" are taken from other papers?—A. No, sir; the words "submarine people," of line 5, "the submarine people brought out a," line 5 of the New Willard anonymous communication, and on line 8 of the same communication to reads "Loud to vote for submarine," so that the word occurs twice.

Q. Where do these other "submarines" come from?—A. They are taken, respectively, from "C 4," line 35; "C 3," line 53; "C 3," line 4; "C 2," line 15; "C 1," line 16; "C 1," line 34; and "C 1," line 12.

Q. Then, these words "submarine" and "submarine people" are taken from different papers, as here indicated?—A. Wherever they exist in the 256 lines, they have been cut out and pasted on there.

Q. These ink figures indicate where they may be found in these respective documents?—A. That is correct. Now, from that chart, as made by me, a negative was made, which I will now show to the committee, because they have not seen it.

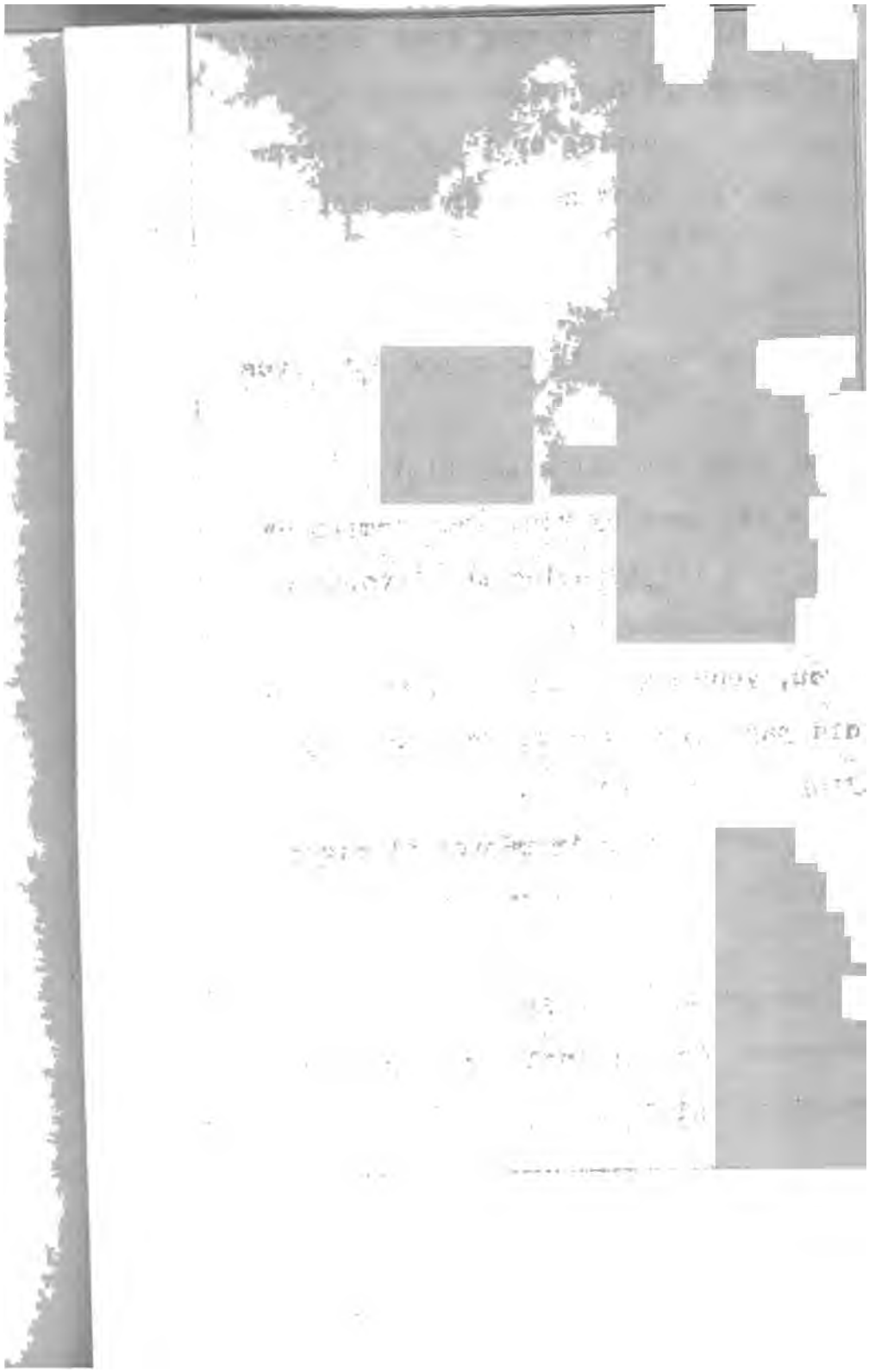
Q. Is that a negative from which this chart was made?—A. It is a negative made from this chart directly.

Q. What was the chart made from?—A. The chart is made up of pieces that have been cut out.

Q. These strips on here with the words on are cut out from the original documents?—A. No, sir; from photographs of the original documents, of which I have presented your committee a set. Now, from that negative is made this contact print, which I produce, of the chart, slightly enlarged.

Q. You speak of contact prints, etc. Don't you think it would be better if you had on the papers a description, so that we can at once tell without stopping to read your testimony through. We understand now what it is. You can do that at your leisure.—A. That negative I will put in the box with the other negatives, making ten in all.

Also I have prepared another chart, where I have cut out from the photographic reproductions of the anonymous communication on the telegraph blank, the several lines, being ten in all, and which I have pasted at the same distance apart for the purpose of being able to juxtapose like words or parts of words not only of those to be found in the exhibits "C 1" to "C 4," inclusive, which are the known specimens of typewriting, but also duplicate words or like words which are to be found coincidentally in the New Willard anonymous communication, as well as in the one written on the telegraph blank, so that where a full line appears as cut out of the telegraph blank, where above that line appears a word, it is taken from the New Willard anonymous blank. Where the word or words appear below the cut out line, and with the numbers underneath indicating that they were taken from some portion of the exhibits "C 1" to "C 4," inclusive, and that was done for the purpose of formulating an opinion, if it was proper to do so, as to whether or not that identity ran through the three several specimens of typewriting, namely, the typewriting appearing on the New Willard blank, the typewriting appearing on the telegraph blank, and the typewriting appearing in the 256 lines included in exhibits "C 1" to "C 4," inclusive, and that, as *far as could be done*, has been prepared on this chart. That, how-



ever, has not been photographed, because I did not think it was absolutely necessary, for the same duplicate words are to be found in the large chart to which attention has already been addressed.

Q. The chart which you hold in your hand has not been photographed?—A. No, sir. I have here also the photographs out of which I have cut the several pieces which have been pasted on the chart. If the committee thinks these should go in, too, I will put them in, although I do not think it is necessary, but I brought them along.

Q. You may preserve them, so that they can be identified if necessary.—A. From very careful and studious examinations of the several exhibits, which I have enumerated, I have been able to formulate an opinion.

Q. Before you express an opinion I would like to ask you a few questions, if it will not interrupt you. Let me first ask you, can you say whether or not that bundle of papers which was handed to you was all written on the same machine?—A. The large bundle which I hold in my hand was not all written from one machine, but from more than one machine. But those that I have marked, the 256 lines included in what I have characterized as exhibits "C 1" to "C 4," in my opinion, were all done by one and the same machine.

Q. There are a good many kinds of typewriters?—A. There are.

Q. For instance, we know of the Remington and of the Underwood, and how many kinds of machines are there?—A. There are of those that are the most prominent in the market, about six machines recognized as standard machines, what I would call standard machines.

Q. And a good many others of other kinds?—A. Well, I can not answer that question.

Q. Of each one of those six or more makes of typewriters there are thousands of machines made and sold?—A. I have no doubt that of some of those there are hundreds of thousands that have been made.

Q. Let me ask you first, whether there are any other methods than those which you spoke of by which you would attempt to state whether or not two or more papers were written on the same typewriting machines?—A. Except by the examination, and with such an adjunct as photography to assist, I do not know of any other way.

Q. Do you use magnifying glasses or any system of measurement?—A. We use magnifying glasses as well. We use whatever instruments in respect to measuring angles, in respect to ascertaining the alignment, using a straightedge—any appliance at all that science permits—in being able to study these as to the conditions.

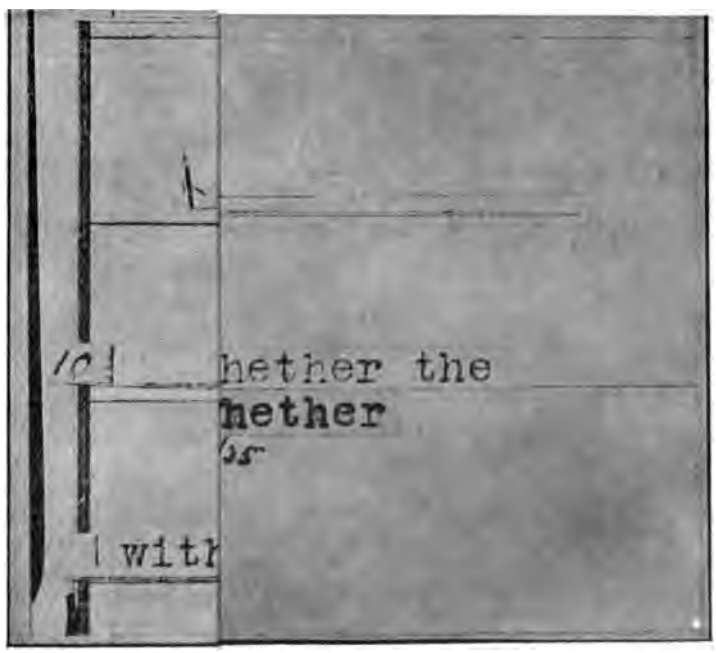
Q. What appliance does science permit?—A. We use the compass, we use magnifying glasses to attain diameters, I have used protractors for angles, I have used straightedges, I have used rules to measure, and I have done some of what we call superimposition—that is to say, placing one word over the other and holding it up to the light, so as to be able to see if the top of one fitted on the one underneath, and whatever I thought was necessary to get at the truth, whatever would assist in any way.

Q. By the aid of all the instruments you have mentioned, including negatives, photographs, charts, and the measuring appliances, so you claim that you can tell from among all these thousands of typewriters that are sold of one make, for instance, whether or not two or more

papers are written upon the same identical machine?—A. I claim that, with all the advanced workmanship and skill and desire of educated workmen to produce of their own make two machines that will imprint exactly the same, I contend that it is impossible. That each machine in and of itself, when it leaves the factory possesses certain peculiar characteristics to that machine, and that machine alone, and when that machine goes out in general use, from a thousand causes, more departures from the standards, that machine becomes more or less injured, whether from use or whether from something dropping into it, and so it begins to attain of itself its own personal characteristics, more definite and more certain than that of a human being who writes, because his handwriting is affected by conditions and environment, and physical and mental conditions, while in the typewriter it is more arbitrary—there is no whim or caprice of the writer that can change the letter. All those letters are supposed to be set to locate in specific places.

Now, the departure from the ideals or the standard of perfect letters and alignment, in respect to the perpendicular, whether the letter will lean to the left or lean to the right, whether the letter will set on a straight edge above or below the line, whether in the combinations, which run into the thousands, of the 26 letters of the alphabet, in the relationship, in a word, not only of the first letter to the second letter, but the second letter to the third letter, and again the three letters, and so on—it runs into the thousands. And my contention is that in going through a mass of typewriting in comparison with an unknown piece of typewriting, my contention is that if in traveling over that road one finds these idiosyncrasies, these same departures, all pointing in one direction, and not in another, all leading one way, that ipso facto only the same machine could have produced the same imprint, that is my belief and that is my experience. And while nothing, perhaps, is impossible under the sun, some things are so improbable that they become impossible. And where I can call attention here, if the time was given to me, to hundreds of things which pertain to this particular machine, my contention is that no machine combines all of them. It may combine some of them. For instance, a thousand may combine an "a" that sets off the line; you may find the other machines to have that, but to find "a" and "b" that sets off the line it would probably reduce it to 200 machines. And when you get twenty departures from the standards of what it ought to be, you have reduced it down to maybe two. And then when you go on still further, one producing one kind of phenomena, another producing another kind of phenomena, each its own, and I think it is as certain, as possible as anything to be certain. It is a great deal more certain than the formation in respect to handwriting, which is based more on habits, or what I would call the general pictorial effect, and the peculiarities of the writer, which are apt to vary at any time, as I have said before, due to the environment and the conditions. I believe that, given the time, it becomes a simple problem to sit down and work out mathematically, and with a result absolutely certain, whether or not a certain bit of typewriting, with sufficient material to compare with it, was or was not written by the same machine that produced the standard of known typewriting.

Q. In your judgment and your experience you can more readily determine the identity of the typewriting machine on which two


hether the
nether
with

papers were written, than you can the genuineness of handwriting?—A. Yes; because one is a certainty. It works out as a mathematical problem works out, while with the handwriting the first judgment of the expert is based on the standard which he has before him, and while he may be perfectly right, he has not got a set of arbitrary habits or forms to juxtapose and formulate an opinion from. At the same time, to be perfectly fair about this matter, some of these exhibits constitute what are called carbons. That is to say, they have been manifolded from an original, and there is, as a matter of fact, between a manifolded specimen and the original, a difference due to the fact that the cylinder with the extra paper wrapped around it is a little larger, though only in a very minute degree. Also the fact that between the parts of the paper and the original is a sheet of carbon paper, which interferes to some degree with what might be expressed as the definition of the lines, and the result is that there is a little feathering or blurring of the edges. But, notwithstanding that, so far as the center of the writing is concerned, in the center of this mark is the true mark of the type. I have to say that all that has been taken into consideration. If there has been any doubt to be culled from an examination of these exhibits which have been manifolded and are carbon copies, that has been taken into consideration. And, even with that, I am able to formulate a positive, definite, unqualified opinion as to the identity of the two anonymous communications which you read here.

Q. You have demonstrated what about these two anonymous communications? That they were written on the same machine?—A. The two anonymous communications have been compared together, not only directly, but by what we call a parity of comparison—that is to say, through exhibits "C 1" to "C 4," inclusive—and I have been able to satisfy myself thoroughly that the two anonymous communications were written not only from a like machine, but identically the same machine.

Q. The four papers which you have picked out and marked, "C 1," "C 2," "C 3," and "C 4," were those four papers written upon the same identical typewriting machine?—A. In and of themselves?

Q. Yes.—A. Yes; they were; beyond any question.

Q. You say first that the two anonymous communications, or those two papers or documents, were written upon the same identical machine?—A. Yes, sir.

Q. And you say that the four papers marked "C 1," "C 2," "C 3," and "C 4," were themselves written on one specific, particular, identical, and the same typewriting machine?—A. That is what I say; yes, sir.

Q. What do you say as to the two anonymous communications, one on the New Willard blank and the one on the Postal Telegraph blank, whether those two anonymous communications and the four papers marked "C 1," "C 2," "C 3," and "C 4" were all written on the same identical machine?—A. Unquestionably written on the same identical machine.

Q. Now, will you indicate to us, so that we may, if possible, or anyone else, be able to form some conclusion upon the subject, will you indicate to us the identity between those different papers which lead you to say that they are written on the same machine?—A. Like

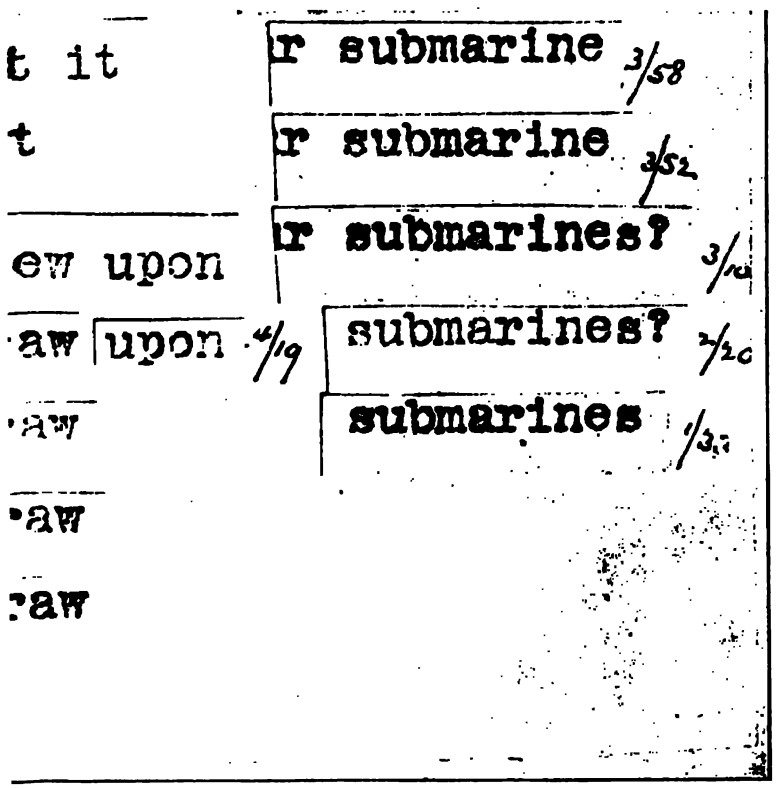
a human being, typewriting, or any kind of writing, when looked at, the eye is affected first by its surroundings, or dress, like a human being's costume. And we have here three different kinds of costumes to inspect. The exhibits "C 1" to "C 4," on very thin onion skin paper, while the two anonymous communications, one is written on a blue printed telegraph blank, and the other on a sheet of plain paper; consequently, all that we can look at for the purpose of being affected by what might be designated as the pictorial effect—that is to say, the difference in light and shade, which seems to run through, and this is a matter only which must be seen to be understood.

Now, in my opinion, and all I can do in respect to that is to simply call the committee's attention to the fact that I find in the three several documents, the telegraph blank, the Willard blank, and in the letters "C" exhibits, that certain letters, due largely to their position in striking to imprint the letter, parts of it print stronger than other parts of it, and that those peculiarities obtain to a measurable degree. That constitutes what I call the pictorial effect of light and shade. In going through the letters, this type, I find some of the letters set up perpendicularly—they are vertical—while others of the letters tip to the left or tip to the right. Again, some of them get on what would be a straight line. The bottoms of some of them are above the line, the bottoms of some of them cutting the line, dropping down below, and where those things occur they are repeated in what I will call the standards, that is to say, the "C" exhibits. Of the known specimens of typewriting, and in the anonymous communications, those things repeat themselves regularly and steadily, and with hardly an exception. There are a few little exceptions in these thin onion-skin manifolded papers, which may be due to the change of size or shifting, but they are only at the end; it is the last letter that is sometimes a little closer to the letter which precedes it. But other than that, I find the same things, where there is a defect or where there is an imperfection in the sense of being a letter out of alignment. In running through the standards I find that the letters are out of line not in precisely the same manner. When I come to the spacing as between two letters in the anonymous communications, when I take up the same combination of two letters, if one is correct the other is correct, so far as spacing is concerned. If one is incorrect and in the wrong place, so invariably in the other it occurs in the wrong place. And in that way we have a lot of letters the angles of which deflect to the left of the vertical or to the right, and bottoms of letters like the small "m," instead of setting straight, it tails off, and those peculiarities run throughout, and I have had to examine 150 of what we call abnormalities, things that ought not to be there, and they obtain without a single exception on both sets of exhibits.

Q. What do you mean by both sets?—A. By both sets of exhibits I mean the two anonymous communications as one set, being written, in my opinion, on the same machine. By the other set of exhibits I mean the "C 1," "C 2," "C 3," and "C 4," which are bound together.

Q. But you say they are written on the same machine?—A. They are written on the same machine.

Now, when I come to look at the alignment—that is to say, the running of the words literally from left to right—and I put a straightedge underneath a word, I find the bottoms of those letters approach and recede from that straightedge in a given, constant quantity, and


t it
r submarine 3/58
t
r submarine 3/52
ew upon
r submarines? 3/
aw upon 4/19
submarines? 3/20
aw
submarines 1/3
aw
aw

wherever I find the word in the "C" exhibits there is the same approach and receding from that straightedge in a given, constant quantity. When I measured the same word produced in the two anonymous communications and compare it with the same word to be found in the "C" exhibits, I find exactly the same width; it keeps exactly to the same space. When I examine as to the spacing between the letters, I find exactly the same, and those often repeat themselves with hardly an exception throughout. In hundreds and hundreds of instances, leading me to be able to speak, without any doubt about the matter, because I do not believe—and of course I must base it on my experience and the experience of others with whom I have talked, who make machines—that such things could not occur in a half or a quarter or 1 per cent of what I have been able to find in these anonymous communications, as compared with the standards "C 1" to "C 4," and would be sufficient for me to formulate an opinion. But it is multiplied by 10, and if I went on I could multiply it by a hundred. I found everything running one way, enough to lead me to think that it could not have been made by any other machine.

Q. Let us have those papers identified in some way, so that by reading the record we may know what we are talking about. We have several records here, and we want it to appear in the record so that anybody in reading the record may know what we are talking about.—A. One hundred and three (103) is a substantial facsimile of the anonymous letter typewritten on the Postal Telegraph Commercial Cable's blank. Now, No. 101 is an enlargement of chart marked 100, which is composed of words cut out from exhibits 102 on photographs of "C 1," "C 2," "C 3," and "C 4."

Q. I think, perhaps, instead of calling this New Willard we will call it—well, it is on the New Willard letter paper.—A. Yes. They have been juxtaposed for the purpose of addressing attention to the duplicate words that occur in the several exhibits. Beginning with the first three words of the anonymous communications on the New Willard blank where it reads "For Mr. Carmichael," underneath the same will be found the word "for," which is taken from "C 4," line 1, and next to it "Mr. Chairman," as taken from "C 2," line 1. And the attention of the committee is asked to the letter "f" of the word "for" in its relative position to the "or" which follows it. Also to the fact that the spacing as between the said "f" and the said "o" is an abnormal spacing, and that abnormality is to be found existing in both the anonymous communication and in the known typewriting. The "o" will be found to have its accentuation on the right side of its circle, while the left side is thin, and in that respect is abnormal because it should be the same all around.

Q. You mean that the "o" is darker on the right side than it is on the left?—A. Yes; the accentuation or color. The "r" is found to be approximately on the same base line as the "o" and the space between the "o" and the "r" is a correct space and in that respect obtains with the known "or" taken from the "C 4" "1" immediately below it. So that we have the letter "f" located below the letter "r," we have an abnormal space between the "f" and "o," we have a correct space between the "o" and the "r," and we have a combination of the "f" and the "or" making "for," making in that one word, line 8, comparisons which agree both in their abnormalities and in their normalcy, in respect to the "Mr." which follows

the same, which is taken from "2," "C 1," the relationship between the "M" and the "r" and the dot which follows the "r" and the capital "C" to the word "Carmichael" in one instance and capital "C" of the word "Chairman" in the other instance. While in the lower exhibit, being "2" "C 1," the "M" appears heavier, this is a carbon and is blurred, and is found to have the same shade and form in relationship to the "r" and to the dots which is also an excess of coloring due to the carbon and as to the location of the "C," and the fact also that the top of the "C" is accentuated so far as the color and heaviness is concerned and corresponds with the "C" underneath it. So that in the words "for Mr. C" we have different comparisons which identify each other both in respect to abnormalities in respect to correct methods and there is no variation. Now, if there was nothing else in this case except the question of whether the words "For Mr. C" were written on the same machine as the words "for Mr. C" which appear on the line below, there would be sufficient to point in that direction, perhaps not enough to form a definite opinion, but it is pointing in that direction, and in no other direction. Now, when we take up the next line, which reads, "a Congressman does not want to" and which is taken from line 2, which, in fact, is all of line 2, of the anonymous letter on the New Willard blank, attention is addressed to the word "Congressman" and the other word "Congressman" which are juxtaposed in regular order, and as nearly in the same place as possible. There may be a little variation, because it is rather difficult in pasting small words like that to locate in exactly the same place, but I will state that I measured each one of those words and they measured exactly the same; and if perchance a word is a little to the right, it is all right so far as the size is concerned.

Q. You used the word "juxtaposed?"—A. By juxtaposed I mean by putting one word underneath another word, putting something underneath another.

Q. Then you put the word "Congressman" as picked out from different papers—you put the words under each other?—A. Yes, sir; putting the words underneath each other. Now, I did not use, in going through the 256 lines which constitute exhibits "C 1" to "C 4," inclusive, did not use the any one word "Congressman" which appeared there, but I chose every word "Congressman" that appears in those four exhibits, without exception, and those are the ones which are placed one underneath the other on this Exhibit 101. Now, the first matter to which attention will be addressed is the capital "C," and while there is some little variation in regard to strength or kind of color, for the reason that some of them are carbons and a little thicker than the others, yet, nevertheless, so far as the relationship as between the darker portions and the lighter portions, or their location, they repeat themselves right straight through and identify themselves in that respect. Now, the next letter is an "o," and at once it is noticed that the "o" sets up above the base line. You could put a straightedge under the letter "e" and capital "C," and the "o" is found to be above that; or, on the other hand, if you place a straightedge under the word "Congressman," why, the "C" would be found to be below the line. Now, you can have it whichever way you please—in either way the result is the same. The "o" is to be noticed as excessively an accentuated letter, more

so in this phenomena throughout the entire set of exhibits than almost any other letter. It is a very heavily-printed letter, and in that respect obtains throughout. The "n" is fairly on the same base line. The "g" and then we come to the "r." Now, the "r," instead of being imprinted and producing a result of actually being perpendicular or vertical, the "r" is seen to be tipped to the right. It tips about 5 degrees to the right of a perpendicular, and that peculiarity obtains throughout the entire exhibit. There are nearly 400 "r's," and I do not find a single exception—they all tip. The "e" sets up fairly straight and where the "e" is made alone; the first "e" is made alone; where it is to be found following a second "e," like the word "agreement," the word "committee," the remarkable thing occurs where the "e" is struck the second time; instead of being vertical, it tips to the right—it lies over, as it were—which I will call your attention to later on when we get to the telegram.

If you look at the telegram you will find the word "committee," words "naval committee," where that "e" tips over to the right, while the first letter "e" is straight. Now, you will find the first "s" with the letter "e "in Congressman," and that obtains fairly throughout, while the second "s" begins to lift a little in its location. It is a little ways, so far as base line is concerned, a little ways above. When the "m" is found, the first staff of the "m" is found to be further down, so to speak, than the last and tips a little to the left, and you will notice, instead of that "s" being on line with the top of the "m," it sets, as it were, a little underneath the initial portion of the "m." Now, the "a" is fairly straight, while the "n" tips a little to the right and the first staff is heavier in shade than the second staff. And now, the attention of the committee being called to those specifically, now, if the committee will take and turn the exhibit around so that they can see the bottom of the word "Congressman," they will find a wave line, a sort of a curved line with the same wave existing throughout the several exhibits to the word "Congressman," which are to be found in that line, and it is curious to itself. It is the same wave line; so that in taking up the word "Congressman" in its relationship of letters each to the other and in its peculiarities of alignment there are many reasons, many duplications in departures, so to speak, from the standards of typewriting, which repeat themselves and simply add to the certainty that they must have been made from the same machine. Now, taking up the words "the submarine people brought out a"—that is line 5 of the anonymous communication to be found on the New Willard blank—and there I have underneath the word "submarine" a number of like words. In that "e" and those on the last column every word "submarine" the submarine "e" that was to be found in the exhibits "C 1," "C 2," "C 3," and "C 4," I have used them all so that I could not be criticised, and I want to call attention right now to one of them that does not compare with the others, and that is on the last column, where it says "3/12," the small "e" which finishes the word "submarine," instead of corresponding in location as to space between "n" and "e," it is close up to the "n." Now, that occurs not only in respect to that particular "e" and "n," but on the same page of the same sheet of the known typewriting known as "C 1" to "C 4," inclusive, leading me to the conclusion that it is due to the operator or to some defect in the machine which writes generally

that word fairly well, with a few exceptions, to which I have called attention.

Now "the" which is line 5, beginning with the capital "T," and underneath I have placed the word "the," as taken from "C 1," line 38, and there will be noticed in the letter a heavier mark, due to the fact of that being a carbon, while the "v" above it is an original. The most noticeable point is the location of the "e" to the "h" which precedes it, and setting as it does above what would be a correct base line. When we get to the word "submarine," the first matter to call attention to is the differentiation as between the color included in the small "s" and the "u" which follows it. In the one case one is round and light-stroked as compared with the "u" which follows it, and in that respect in the ones beneath it, that have been placed below, that same differentiate in respect to color obtained. Now the "b" when examined is found not to be vertical, but it tips a little, not to the "r" as the "r" tips to the right, but it tips a little to the left, and therefore it is out of plumb and that peculiarity obtains in all the "b's" that are to be found and there are dozens and dozens of them in the standard typewriting. The "m" possesses the same peculiarity to which I called attention. The first staff reached down farther than the last. The "a" is exceedingly close to the "r" and then comes this "r" which tips to the right and makes a sort of a "v" as it were, instead of a parallel line if it were true, vertical lines as between the "a" and the "r," and in that respect all of the "a-r's" that are to be found the standards obtain and possess that peculiarity and there is no variation. When we come to the "i" the "i" sides are almost straight, but the space between the "r" and the "i" is an abnormal spacing, it is not correct and yet that peculiar spacing obtains in the known or standard specimen of typewriting which we find in the exhibits "C 1" to "C 4," inclusive, and that abnormality where the preceding space or the space which preceded it in the first portion of the letter as between the "b" and "n" is correct, that abnormality obtains, and that runs throughout the entire run of typewriting. When we get to the end I have called attention to that before in the word "Congressman," and the "e" as it obtains elsewhere is found to be set above the base line. So that if the committee, now having called their attention specifically to letter by letter, will look at the word "submarine" as a whole word and in their mind's eye place a straightedge underneath the bottom of the word "submarine" it will be found to be a wave line and peculiar to itself.

The word "people," which appears on line 5 of the New Willard blank, and underneath the same is to be found four other words "people." All the words "people" that are to be found in the "C 1," "2," "3," and "4" exhibits, and those are placed underneath and are respectively taken from lines 2 C 37, 2 C 33, 2 C 31, 2 C 29. Now, the first thing that calls attention, that the eye is attracted to there, is the fact that between the "e" and the "p" sets a small "o," and that "o" is excessively accentuated; it is abnormal in its comparative quality and accentuation with other letters, and that repeats itself in each case. Also it will be noticed that while the spacing between the "p" and the "e" is approximate and fairly correct, the spacing between the "e" and the "o" is abnormal and it is incorrect, and that incorrectness and abnormality

obtains in the four specimens taken from the "C" exhibits, which are juxtaposed in the chart. When the spacing as between the "o" and the "p" is called attention to, that also is found to be abnormal and out of place, and that abnormality is existing and apparent in the standards taken from the "C 1," "2," "3," and "4" exhibits. The "e," as it happened most times when used as the last letter, lifts above the base line, so that if the committee will look at the word "people" as a whole, both on the top of the word and on the base of the word, they will find a curved line, a sort of a wave line, which corresponds and obtains throughout, thus producing like phenomena not only in respect to the small letters, but in respect to the entire word as a whole, and there is no exception, and that peculiarity of combination of letters wherever found, whether in the word "people" or whether in some other word, those peculiarities obtain with hardly any exception, as I have been able to ascertain.

Now, we take up the words on line 8, anonymous communication on the New Willard blank, which reads "Loud to vote for submarines," and there I have been able to take all the words "submarines" that I could find in the "C 1," "2," "3," and "4" exhibits in combination with the word "for," and where I could not find the word "for" if I found preceding that word "submarines" an "r," which is the last letter of the word "for," you will find that "r" to be present and located in juxtaposition with the other one. But we have here in exhibit "C 1" 28 the entire two words "for submarines," and that lies immediately underneath this line 8, where it reads "Loud to vote for submarines," and there in the word "for," the small "f," the distance as between the "f" and the "o" is found to be an abnormal space, and that abnormality where that word occurs "for" on the top of the line, which is "C 1," line 14, on the top of the page, it is an abnormal space, and it repeats itself not only there, but wherever the word "for" occurs in the known specimens, which have been designated as "C 1" to "C 4," inclusive. Now, the letter "o" is accentuated, abnormally so, as attention has been called to, and that repeats itself. The "r" tips over to the right the same as the other "r." We come to the word "submarines," and call attention to the relationship as between the "s" and the "u"—the "b" tipping over the first staff being lower than the second, the "a" setting on what might be called a straight line, a base line, the "r" tipping over to the right, and the "ine" as it obtains in the other words "submarine." So that if you will take the words "for submarines" now, and examine them in respect to this wave line or base line, you will find the same compound curve running along that is possessed in the other words "submarines," but you have the addition there of the word "for," which precedes it, and that obtains the same, and where those combinations exist in the one instance they exist in the other instance.

Now, further down on line 7 of the anonymous communication appear the words "Loud he withdrew upon agreement of." I cut out "he withdrew upon," and while I was not able to find the word "withdrew" in any place on any line on the 256 lines which constitute Exhibits "C 1" to "C 4," inclusive, they did not exist, there is no such word there, but there is the word "withdraw," so that I have been able to utilize and employ the letters "withdr," and the attention of the committee is addressed to those, not only to their base

line, but to the abnormal space which is existing as between "i" and "t;" it is too much space; and yet that obtains both the anonymous communication and in the four specimens taken from "C 2," line 36, "C 2," line 33, "C 2," line 29, and "C 2," line 30. Those lift themselves. Now, when we come to the anonymous communication on the cable blank we will find that word "withdrew;" it exists there, but it does not exist in the standards from "C 1" to "C 4." I will call attention to that later. Now, in the lower left-hand point of the Exhibit 100, which is the enlarged photograph chart, is a reproduction from lines 10 of the New Willard blank, where it reads "State Senator—former secretary to Loud," and I have employed the two words "Senator," which are to be found as among the 256 lines of the "C 1" to "C 4," inclusive, exhibits which I have juxtaposed one of them faces that "—" following the "r," and those words "Senator" are taken from "C 1" 29 and "C 1" 44, while the word "state," which is juxtaposed under the word "state" of line 10 in the New Willard anonymous letters. These two words "state" are cut out and taken from "C 2" 30 and "C 3" 21. Now, in calling attention first to the words "state" the committee will notice the abnormal spacing, and by abnormal I mean it is not the regular spacing of the standard machine; it differentiates; and consequently I call it abnormal and a departure from the word perfect as indicating space, and "s t a t e" and that abnormal spacing is found in the line 10 of the anonymous communication to exactly obtain in the two specimens cut from the "C 1" to "C 4," inclusive, exhibits. Not only that, but so far as the accentuation of the letters are concerned, it will be seen that the strength of the letters there the strongest are the letters "t," and they repeat themselves. And then when we get to the "e," it will be found that the "e" lifts up from the base line as I have called attention to in the other cases of final "e's." Now, we come to the word "Senator," and immediately the capital "S" is found to be lower down, so to speak, than the "e" which follows it, or, in other words, the "e" is higher up from the base line which follows it. But, whichever way, the result is the same, and the word "Senator" seems to run down hill until it strikes the letter "t," and then there is a slight lifting and a bend from "r," with the "–" or dash which follows it; and that same peculiarity not only specifically but generally obtains throughout that word "Senator," and it repeats itself, and even more so where the is clearer and perhaps not so far away from the original in the manifolding in the last one, and so those peculiarities repeat themselves.

Now, I have called attention to some 46 specific words, and I have individualized specifically the letters which multiply that 46 so that it really takes it into the hundreds, and those repeat themselves with hardly an exception, leading me to the undoubted conclusion that the typewriting found in the New Willard Hotel blank must have been imprinted from the same machine from which was imprinted exhibits marked "C 1," "C 2," "C 3," and "C 4," and those are my reasons in so far as the Willard Hotel blank is concerned.

Now, taking up the Postal Telegraph blank, there I find perhaps not so many large words as we do small ones, and I regret that I have not got photographs of it, but I call attention generally, so that the committe can see it at a glance. I want to call attention——

Q. What is that paper you have in your hand? Let's identify it

in some way. We will call this 104.—A. No; 104 is the photograph lines which appear in the anonymous letter on the Postal Telegraph blank which have been cut out in strips and pasted upon the cardboard marked by the committee No. 104.

Q. Is that chart which you have in your hand marked 104; is that made up of lines cut from a duplicate of 103?—A. The duplicate of 103.

Q. Postal telegram anonymous communication?—A. Yes, sir.

Q. Have you any copies of that?—A. No, sir. I can not have any, because this is the original. I did not have time for it. I am going to specify what they are and then I will hand it to the committee. "Loud voted for this $1,476,296.60 graft in the naval committee," and while I do not find a duplication of the large words in the "C" standards, "C 1" to "C 4," inclusive, I do find on line 7 of exhibit "C 4" this combination, not the word "in," but the letter "n," as ending a word, and then the words "the naval committee," so that we have practically three complete words and part of another. I find words on exhibit "C 1," line 11, which I have juxtaposed underneath—"there is a story in circulation that the Holland people get a"—and I have also juxtaposed the word "people" taken from "C 2," line 37, and the word "people" is found in the Willard Hotel anonymous communication I juxtaposed above. So that we have the word "people" which appears in the New Willard Hotel anonymous communication first, then the word "people" as it appears in the anonymous communication on the telegram, and then the word "people" as it appears in the known—or exhibits "C 1," "C 2," "C 3," "C 4"—specimens, and those words "people" are called attention to. On line 3 I have been able to select the word "attorney," and the word "become" I have found in the anonymous communication on the hotel blank. I have found in the anonymous communication on the hotel blank the words "prominent candidate against," showing the same blur which I have juxtaposed above the word "submarines." On line 4 and on line 5 I there find the word "withdrew" which we were unable to find in any of the "C" exhibits, nor was I able to find it in the anonymous communication on the New Willard Hotel blank. I should say we were able to find it on the New Willard Hotel blank; there we find the duplicate word. In making my comparison from the chart 101 I had to use the word "withdrew;" there was no word "withdrew" in the "C" exhibits, and here we find the word "withdrew," one from each, one from the telegram anonymous letter and the other from the New Willard anonymous letter. Now, on line 6 I have used the word "Washington" as corresponding and coinciding with the words "Washington Post" which appear on line 6 that I have taken from "C 2," exhibit 47. On line 7 I find the word "proposition"——

Q. You say exhibit 47?—A. No; I say Exhibit "C 2," line 47, on line 7. I find the words "Loud can be defeated on this proposition alone by you," and I find on "C 1," Exhibit 22, the word "proposition," which I have juxtaposed. I do not find duplications of the other words until I get to line 10, and then I am able to find the combination of all the words where it says on line 10, "have them write Loud for explanation and whether the," and I find that combination of "and whether" in Exhibit "C 3," line 35, and that I have juxtaposed underneath the order combination of words "and whether"

And now, having called attention to those, I hand the chart to the committee so that they can see what I have called attention to.

Now, for the reasons that I have expressed and specifically and generally and from many hundreds of comparisons that I have made in the period of time in which I have been engaged, all lead me to the one and same conclusion, and I have not asked the committee to accept my opinion, due to any value that it might have because of the matter of reputation, but simply ask them to accept it for the reasons I have expressed. Those reasons point, as I have stated, all in one single direction, and that is to the same one machine that wrote the "C 1," "2," "3," and "4" exhibits, and it is for those reasons that I am of the opinion that the anonymous communications, both of them, were written from that machine.

Q. Well, now, this chart No. 104 you have handed us simply one copy or rather only the original. Could that be photographed or can we have duplicates of it?—A. Oh, yes.

Q. If we desire them?—A. You do desire them?

Q. A few things occur to me to ask you in looking over this chart 101. I see there, for instance, the word "Carmichael" on the top of the line and right under it "Mr. Chairman." Now "Mr. Chairman" seems to be a good deal, considerably darker, the letters, and heavier than the word "Carmichael" above?—A. Yes, sir; I have explained that, I thought, in the beginning. As a matter of fact, the words "Mr. Chairman" is a carbon, and the difference in quality or color of that particular work, that blurring or blotting, if you will compare the original you will find the same thing to exist.

Q. What do you mean by saying that it is a carbon?—A. I mean to say that is struck through a piece of paper on which has been spread lampblack and glycerin, which makes what you call a carbon paper. Striking that, it is struck through the original, which is the paper that comes next to the ribbon—first the type and then the ribbon and then the original paper.

Q. Do we understand you to mean that when the original words "Mr. Chairman" were written there were more than one copy made at the same time?—A. Yes.

Q. This is what a typewriter calls a carbon copy?—A. This is a carbon copy, manifold copy.

Q. Would that account for "the submarine people brought out a," right under "submarine?" I notice that the other "submarines," or some of them, at least, appear to be darker, heavier.—A. That is caused for the same reason, and perhaps from the fact that in making what we call developed photographs, photographs developed in the same manner as photographic negatives are developed, sometimes the negative overprints a little more than other times and it overdevelopes it a little, but it does not interfere with the definition except to make it a little darker—it all appears darker.

Q. What do you mean by it does not interfere with the definition?—A. I mean to say that the lines are just as well defined, or better defined, if you please, when it is dark.

Q. Then the fact that it is dark, you say, does not interfere?—A. Not a particle, sir, because it is overprinted. The trouble is photographic.

Q. Is the same true or not with the word "Senator" next to the bottom line?—A. Yes; it is.

Q. The middle "Senator" seems to me to be darker in complexion than his fellows.—A. Yes, sir; for the same reason that it is printed a little darker, but it does not affect the shape nor the form of the letters, and that is all we have to do with it.

The CHAIRMAN. Mr. Carvalho, I would like to know when a number of documents are submitted to you written in typewriting to pass upon, to give your opinion on as nearly as possible, what typewriter they were on, and then to answer the questions whether any two of them were written on the same typewriter, I would like to know what your process is of starting on such a quest. Certainly to me it would be perfectly blind to attempt to say from different papers what instruments they were made on or whether they were made on the same instrument, and I would like to know how you begin when you get this mass of paper?

A. I would begin first by looking at the general appearance, what I have already designated as altogether the pictorial effect. I would follow that up first seeking for the most prominent characteristics, and by characteristics I mean the most prominent departures from the standards of typewriting, of perfect typewriting or perfect imprinting. I would throw out and jot down those departures. I would also call attention to those portions of the imprinted typewriting which were perfect and if I found that the departures or abnormal things corresponded in the two papers that were submitted to me and it exactly corresponded, and I found the same thing to exist in respect to the perfect writing, then, sir, I would form the opinion that it must have been written from the same machine. That is what I have been trying to do here to-day.

The CHAIRMAN. Then, as I understand you, if you should find if they all contained the similarities between the two papers and then should begin to discover dissimilarity, you would discard them?

A. I would, sir, right away.

The CHAIRMAN. It is a process of elimination?

A. A process of elimination.

The CHAIRMAN. Until you find abnormalities occurring between two papers?

A. Yes, sir. In other words, if there were only a thousand machines in Washington, for the sake of the argument, and no more, and each of these machines was known and you put into my hands a specimen of typewriting which you had reason to believe came from some one of those machines, I would go and get it, if I knew where they were and have the right to do it, I would get specimens of writing from each of those machines. Then I would begin to look into the matter that was submitted to me to pass on for special peculiarities; that is to say, I would begin with No. 1 out of the thousand, and if I found none of those except in 200 of them I would eliminate the rest. So I would go on and boil it down gradually and gradually until I reached the one which had all of the abnormalities and all of the perfect things which existed in the specimen that was submitted to me, and then I have got the machine.

The CHAIRMAN. Then I understand you if you had a thousand machines of the same kind that those anonymous communications were written on you would not be mistaken as to which one duplicated these abnormalities?

A. Absolutely not.

Q. Are you positive of that?—A. I am as positive of that as I can be about anything that I did not actually do myself.

The CHAIRMAN. Any member of the committee wish to ask any questions?

By Mr. STEVENS:

Q. If any change was made in the machine by reason of repairing or moving from one point of a room to another, between the time the first communication was drawn on the machine and the last page was written, would that not make some difference?—A. It would.

Q. In what way?—A. It would make a difference, because the changes which had been made in the repaired machine would obtain in the imprints which were made from the repaired machine, and when we compared and found the other things correct, we would have to say as to that machine, something had been done to that machine, if we found a sufficient duplication of abnormalities and perfect marks in the two specimens. I have had cases of that kind, sir, where the machine had been repaired, but as a rule the machine that is repaired, except a very old affair, it is only a letter that has been changed, or tightening up, something of that kind, and it only affects the alignment.

Q. Does heat and cold make any difference in the alignment or working of a machine, so that it makes a difference in the letters?—A. It is said iron or metal contracts with cold and expands with heat. I think the difference would be so infinitesimal that no one could discover it. I can not say that I have ever had a specimen that was written with the thermometer at zero to compare with a specimen written with the thermometer 100 in the shade, to compare with the other. I can not say that, but from my own knowledge of matters of that kind I would say the difference would be little or nothing. You could not even see it hardly.

Q. Suppose you have 4 or 6 imprints which you claim are produced on the same machine, would 6 different persons of 6 different temperaments with 6 different grades of experience or inexperience work on different machines at different times under different circumstances, would that not make a great difference in the appearance of the work of the machine, so that you could not be able to find these identities?—A. It is my belief, sir, that different persons playing on the keys of a machine have, the same as in playing the piano, they have a different touch, one accentuates, so to speak, more with one finger, presses harder with one finger, strikes a harder blow, he might use the same finger, but differs so far as the touch is concerned, which would be indicated by what I have called attention to as the pictorial effect or as the French say, the tout ensemble, the altogether; while so far as the correctness of the writing is concerned, the body of the writing showing the skillfulness of the hand or on the other hand showing the green hand, which I think your honor is calling attention to, I think that would be very apparent. I think one could see that the writing was done by some one not very familiar with the machine. I think that would make it much more difficult, but that would not change the especial form of the letter; neither would it change the place where that letter strikes the cylinder.

Q. Wouldn't a heavy blow given obliquely upon the key or a light

blow given directly upon the key——A. Yes; if the machine was touched, for the sake of the argument, was touched very lightly, when struck it might drop down below the line. There are all kinds of curious things happen and those produce—as the French say—they swear at you, something has happened to you that is irregular. Then you look through the writing and see if you can find that same letter under the same circumstances, whether it always occurs that way, but you find it does not, that that was an accident, and I quite agree with you, sir, that the general work done by different people—now, I have heard it said, I have not been able to do it because I have not gone so deeply into the matter, that the touch as between the expert typewriters, the touch even can be distinguished when they are operating rapidly on a good machine, sir.

Q. In your experience do you find operators who have had considerable experience in the line of operating machines of a particular make do their work in about the same way, so that their style or manner of operating a machine can be identified?—A. So far as what you call mechanical arrangement; for instance, starting to write a question—the individual "A," for instance—he has printed the question; he may begin immediately on the right of the line, "What is your name, if you please?" Next man comes along, he will skip a space; he will begin the word "What" a little to the right. Those are habits which from long practice obtain, and different men will write differently, and I think that the first thing to be looked at in looking at the general lay-out or mechanical arrangements would be that very thing that your honor suggested. There are people who are writing on the machine to-day who are experts, without even looking at it; their hands simply travel and they produce results. They do not have to look at it any more than a person who plays the piano; the thing comes to them. Those people have their own peculiarities. Of course, if their mind is directed to each letter, like in handwriting, if you put your mind on a signature, you are not writing your signature; your signature is not normal. Like in a will signature, for the sake of the argument, it is stiff and not normal. If you write a check signature—a signature to a check—rapidly, that is you and in there you put yourself. And so it is with the expert typewriter who travels rapidly over his or her machine; that is their peculiar work; but if they go slowly and stop to think about it, then the work is not as perfect as when they work rapidly.

Q. Then we are to understand that the experienced operator who works on the machine, to a large extent on the same machine, does much work in a rapid and businesslike way, can be identified by you easier than the man who simply uses a machine and works in rather an awkward and inexperienced way?—A. Well, I can hardly say that, Mr. Stevens, because a man who keeps books, the bookkeeper, keeps the set of books, and they are a picture to look at. He is, of course, writing all the time. When it comes to the experienced typewriter, he does arbitrary things. If he strikes an "a" that is all he can do; it is arbitrary to a large extent, but there is the smoothness of the writer which makes altogether the pictorial effect. It is prettier from the skillful writer than it is from the man who is not skillful.

Q. Have you arrived at that degree of experience in this work so that you can give opinions as to the person who wrote the partic-

ular paper that is desired to be identified from having exhibited to you several copies written on the same machine on which two copies or more may be written by the same person; could you identify that person?—A. No; I would not pretend to identify the particular individual. I might guess at it. I would not state it under oath. I would not undertake to identify the individual.

Q. You would not, then, begin to identify or attempt to identify the particularities of the individual as you do the particularities of the machine?—A. No, sir; the one I can show you, the other I can not.

By Mr. HOWARD:

Q. I understand, from your experience as an expert in these matters, you consider typewriting investigations as susceptible of demonstration?—A. Yes, sir.

Q. Do you consider handwriting investigations as amounting to any more than a matter of opinion?—A. Yes, sir; and sometimes a matter of demonstration to a reasonable mind.

Q. Is there a distinction between the degree of certainty with which your mind rests on a conclusion drawn from an investigation of a certain quantity of typewritten matter for comparison; is there a distinction and satisfaction in your conclusion in that case as compared with the other?—A. With handwriting, yes, sir; there is.

Q. In favor of which?—A. Of the typewriting.

The CHAIRMAN. Any other Member of the House of Representatives desire to ask this witness any questions?

Is there anyone else present, either in person or by counsel, who would like to ask the witness any questions?

Senator THURSTON. I would be glad to have you ask this witness along this line; I want to formulate the questions; I see there has been submitted to this witness a large number of typewritten documents, a number of which I have identified as having been dictated by me, and I have also noticed that the particular documents he refers to are the number of questions in this list as to which I testified. I believed that I knew nothing. I would like to have the witness interrogated as to whether any of these others that I identified as having been dictated wholly or in part by myself were written on the same machine.

The CHAIRMAN. Will you examine that mass of documents that was submitted to you and say if you have satisfied yourself as to which ones, if any, were written on the same machines as "C 1" to "C 4," inclusive?

A. Yes; I went through all of these, and I concluded that some were written on one machine and some were written on another machine, and I took the first four that I had selected of the one particular machine to use to make photographs, but there are others in here of that same machine. I can not tell you which ones they are now, and it will take some little time to do it, but I know that there was.

The CHAIRMAN. The documents were written on one or the other of the machines?

A. Yes.

The CHAIRMAN. And you have gotten this by the process of elimination you described?

A. Yes, sir.

By Mr. STEVENS:

Q. Have you examined them far enough to ascertain how many machines were used to produce that mass of documents?—A. If that is the same batch of matter that I first examined, and only the bulk of the writing, they were the bulk of the writing, those that I examined.

Mr. OLMSTED. It is barely possible that those papers were not all submitted to the witness on the 7th of April; some of them, I think, we have put in that bundle since. They were all fastened together the other day when he testified concerning them. I am not positive that they were all shown to him

Senator THURSTON. Just for my own satisfaction I would be glad to have the committee ask him to examine those papers and see what other ones, in his judgment, were written on the same machine he testified about.

The WITNESS. Of those here that I recall as being in the original package that I examined my tentative report at that time was that they were imprinted from two machines, not from one, but from two, and I arranged them in two piles and had the first four specimens, which I marked "C 1," "C 2," "C 3," and "C 4," because before as it was they occupied 9 pages and they had to be made the size of 11 by 14 inches, and I did not want to make too many negatives, because my time would have been lengthened, when I expected to complete the work I was doing. But to be able to say in this which I have not looked at at all, whether there is one, two, three, or four, or five machines without being able to go through it, I am not able to say, but the original lot submitted to me there were only two machines.

Senator THURSTON. I wished to ascertain for my own satisfaction. I dictated a number of papers found in that bundle, and I was anxious to know whether as to any of these dictations, any of the typewriting, they were made on the same machine as those papers containing a number of questions to which you referred simply in a general way.

The CHAIRMAN. I think on that point there was evidence here that they were substantially done on the same machine. I think that was testified by Mr. Neff, that one of the machines was out of order, or that he thought he principally used one machine after that. He, himself, said that certain ones were written on one and others on the other.

Senator THURSTON. It is quite evident that they were written on three different machines, and in running them over it seemed to me from a casual observation that all of those which I have dictated were written on the same machine and evidently not on the machine that those number of questions were written on.

The CHAIRMAN. The witness will examine those during the noon hour, and we will take a recess until half past 2.

The WITNESS. I will not undertake to form an opinion about those short of two or three days, the entire lot, because I would conscientiously have to go through every batch and every word to be able to formulate a sworn opinion. I won't guess at all, but, as I did in the other case, I gave my tentative opinion; I said, "I may be right, but it is possible I may be wrong, and you gentlemen will have to permit me the time and agencies I need in order to come to a definite conclusion," which they did, and then I formed that conclusion; but to sit

down and go through thousands and thousands of words, your honor, it will take the time to do it. I can not do it; it is impossible.

Senator THURSTON. Then, Mr. Chairman, I would like to have you ask the witness if he does identify here, now, any of the exhibits "C 1," "C 2," "C 3," "C 4" as having been written on the same machine.

The WITNESS. I would not undertake, sir, to identify a solitary word without I went through in my own way of doing it. It is a trouble, as I have told you before. I have got to sit down and plod and work right through.

Senator THURSTON. That was not what I wanted. I wish to know if he had at the present time identified any exhibit—those four here which he speaks of.

By Mr. OLMSTED:

Q. Have you made such examination or sufficient examination of any other of those papers except "C 1," "C 2," "C 3," and "C 4" that you can identify any others than those four papers as having been made on that one machine?—A. No, sir. I identified those four papers, as I had selected them tentatively. There were a lot at that time, because I had spent some time—two days—in arriving even at that tentative opinion, and then I took them and have done what I produced before you gentlemen to-day. Now, if these same papers were put into my hands I can not carry them in my mind's eye; it is impossible. If I am given the time, it will, maybe, be two or three days. I will sit down and do it. I may not be able to do it even in that time. I do not think the committee wants offhand opinions; you want a positive opinion, one way or the other.

Q. Thus far you have not investigated any others than those "C?"—A. That is as far as I have gone. I took those four "C" exhibits, and those I have passed on.

The CHAIRMAN. The committee will take a recess until half past 2 o'clock.

(Thereupon the committee took a recess until 2.30 p. m.)

AFTER RECESS.

The committee met at 2.30 o'clock p. m., pursuant to the taking of recess.

All members of the committee were present except Mr. Broussard.

TESTIMONY OF WILLIAM J. KINSLEY.

WILLIAM J. KINSLEY, being first duly sworn, upon being examined, testified as follows:

By Mr. OLMSTED:

Q. Will you tell us your name and residence?—A. William J. Kinsley; office, New York; residence, Nutley, N. J.

Q. Whereabouts in New York is your office?—A. 245 Broadway.

Q. What is your profession. A. I am an examiner of questioned documents—handwriting, typewriting, ink, and paper.

Q. In a general way I would like to ask you—you have been referred to us as an expert, and, in order to get the matter on record, *I would like* you to state any important cases you have been con-

cerned with, and what experience you have had. How long has that been your occupation?—A. For twenty-three years I have been a professional penman, and for about twenty years in the time I have given particular attention to questions involved in disputed instruments, and for fourteen years I have been testifying in courts of law and investigations in regard to disputed instruments, and for ten years or so I have made a special study of typewriting; and in that time I have had 818 cases, in 27 States of the United States and Canada, extending south as far as New Orleans and as far west as San Francisco.

Q. Have you written any works on the subject?—A. I have written a number of pamphlets and contributed to our own magazine, the Penman's Art Journal, a journal which I edited for seven years, and also wrote a few chapters for Ames on "Forgery."

Q. From what institution of learning did you graduate, if any?—A. I took a professional penmanship course in the Providence, R. I., Bryant & Stratton Business College, and a normal course in penmanship under H. W. Flickinger, of Philadelphia, author of the Barnes National System of Penmanship.

Q. Have you written articles for magazines on the subject?—A. I have written for other magazines, our own magazine, also have given some lectures on the subject.

Q. Have you been employed by the Government of the United States or any of its officials in any matters?—A. I have been employed by the United States district attorney of New York and Brooklyn, and other places. I testified in the United States court in New York on Thursday of this week in a case involving both typewriting and handwriting.

Q. Are you one of those who testified in the Molineux case in New York?—A. Yes, I testified in the Molineux case, and in about twenty murder cases in different States.

Q. How lately have you testified in any typewriting case?—A. On Thursday of this week, in the United States court of the southern district of New York.

Q. What case was that?—A. The case of the United States *v.* O'Connor, McLean, and others.

Q. I will ask in a general way how the identity or nonidentity of typewriting is established?—A. First, by the design of the type letters themselves.

Q. I mean not any general plan, but by yourself; how do you do it?—A. That is how I do it. First, by an examination of the design in the letters themselves. By a process of elimination. Of course, we would omit from consideration, after we had discovered it, any machine having any type form different from the form used in the instrument under consideration. For example, if we were examining the Remington typewriter, and we found the specimen of writing submitted was written on some other make of machine, obviously that would have to be removed from further consideration. If any particular letter should differ from the type under consideration, no matter how many other letters we had found that were the same in design, that one letter in itself would eliminate that particular make of machine from further consideration. So, first of all, is the design of the type, and every letter and figure and mark in that design must be the same to keep it from being eliminated from consideration. Next,

one of the other things to be considered would be the inequalities in the type impressions, whether or not the letters are, as is said of printer's type, "on" or "off their feet"—whether the impressions are heavy at the top or bottom, or left or right, or light at the top or bottom, or left or right, or whether the impressions are equal—and then all the way through the different parts of the letter. Third, we would consider the spacing, that is the space left to right and up or down. Of course, each letter in typewriting is spaced both ways, different from what it is in print, because there they have the little spaces and slugs to space laterally. But in typewriting each letter has the same space. The alignment of the machine is supposed to be correct at the start, but it is not always, and we have variations from that of letters spaced too far to the right or to the left; also they are lifted too much, or they drop down too low. So we have all four things to consider in the matter of spacing. Then we have a fourth thing, the matter of slant, that is the variation from verticality, whether to the left or right. Then we have in addition to that a fifth one, defects either in the original manufacture or through wear or through accidents.

So each of the letters must be considered in its relation to all the other letters, in all these different things. Any specimen of typewriting to be connected with any machine must be found alike in all of these, starting with the design, taking into consideration the inequalities of impression, variation in the spacing, left or right or up or down, sometimes to the left or right of verticality, and any defect in the type faces themselves, and by these means we are enabled to identify a specimen from any machine and connect or fail to connect with any other given specimen. In other words, to see whether or not two specimens are the product of one and the same typewriting machine.

Q. If I correctly understand you, you said at the outset that you attempted in the first place to distinguish between the different makes of machines?—A. Yes, sir.

Q. Can you tell from seeing a specimen of typewriting the make of the machine, whether it is a Remington or Underwood, or whatever the other names are?—A. I can with the majority of the standard machines, when I have my test specimens at hand for comparison. For example, I have collected specimens of typewriting of the different makes of machines, and all different machines and faces of type that they have put on the market. And several of the principal makes have certain little peculiarities that we have committed to memory, and can identify the type in that way.

Q. When you have determined a certain document in typewriting has been typewritten on the same machine, say, for instance, a Remington, can you then determine as between two or three or more specimens of typewriting whether more than one of them were written upon the same identical machine?—A. Yes, sir.

Q. What I mean, not the make of machine, but the instrument itself.—A. The same identical typewriting machine, yes; and through the five means that I have just specified, that they must have the same identical design in type, for the reason that even the Remington and Smith Premier and the others from time to time have made modifications in the design of their type, and of course they have made many machines with each of those modifications; so that would only be a

partial elimination or a partial identification. But, taking up the other things, the slant, and the spacing, and the inequalities of impressions, and also the little defects in the letters, the alignment, all considered, would enable you to identify two pieces of typewriting and to connect or fail to connect those as having been the product or not of the same machines.

Q. Why is that all the machines of the same manufacturer, the same maker, do not make the same impression on the paper? Take, for instance, a Remington or an Underwood, why would not all the Remingtons of the same date make the same print on the paper, the same letters, the same slant, the same everything?—A. Of course these machines, while they are largely machine made, they are subject to the limitations of human skill, and as they leave the factory they are presumably aligned absolutely accurate, but as a matter of fact they are not aligned absolutely accurate. You can take many new machines, not all, but many of them, that are not aligned properly, and if a glass spacer is put on the product, a piece of writing from anyone of these machines, it will be seen that some of the letters are a little too high and some of them are a little too low, others too far to the left and others too far to the right and there are inherent defects even in the manufacture of the type themselves at times. Sometimes that is only microscopical.

Q. In a newspaper the alignment is perfect?—A. Yes, sir.

Q. Why isn't it in a typewriter?—A. In a newspaper they have a rule, and if the rule is straight, the type is set in that space and that aligns it. Of course, in having a stereotype made from that or an electrotype the newspaper alignment is not correct, we have all seen that. In a typewriter, in machines like the Remington and Underwood and Smith and some others, the type is fastened to an arm varying in length according to the position in which it is fastened on the machine, and the key is pressed down connecting with that arm, causing the arm to move and the type to strike the paper, which is put on a platen. An accident, or two types striking at the same time, might bend that arm or twist the type in a certain way so as to after that cause the type to be slightly out of position, and that would indicate after that a malalignment. So that at the very start we may have defects in the letters, we may have defects in the alignment of a new machine, and the wear, the use of the machine, accidents to the machine, will cause further defects to appear in the type and the alignment, so that the longer that it is used the more chances creep in for identification in those particulars. In the Bertillon system we use a general description of an individual and eleven measurements of the human frame to identify the whole human race, and six or seven quite marked characteristics——

Q. Do you mean to identify the whole race or certain specimens of the race?—A. Well, to differentiate the individual from the rest of the human race would be the better way to express it. Of course they tend to determine the characteristics of the whole human race. Six or seven characteristic and plainly marked features in typewriting would probably be sufficient, if taken in combination, to identify any given piece of typewriting, because we take into consideration not only the maladjustment, the malalignment, and the broken letters, but we must take into consideration all the well-aligned letters

and the perfect letters as well, and those perfect letters or substantially perfect letters must be the same ones in both specimens. So we have twenty-six small letters and twenty-six capital letters, and the digits and also the marks, and they must be taken in the relation one to the other. The law of probabilities or geometric progression, which can be used to figure the probability of separate events concurring, can be applied here. Professor Peirce, in Harvard, said, in testifying in the Sylvia Ann Howland case, that it was "one of those least things of which science takes into account," referring to probability of thirteen separate events concurring. That is, it is a remote possibility, which would be so remote that it would hardly be worthy of consideration at all.

In comparing two specimens of typewriting we must find where letters are substantially perfect in outline as well as those imperfect. First, letters must be of the same design, substantially perfect in outline. The impression must be substantially perfect, and suppose it is a perfect letter, another specimen must have the same letter perfect as it is in the first specimen. The next letter may have too heavy an impression at the top, too light at the base, and the third letter will probably have a little break in it, a small dent in the type itself, causing it to leave an open space; and the fourth letter will be too high; and the fifth letter too low. The sixth letter slants to the right and the seventh slants to the left. The same letters must in both specimens of writing coincide—they must have coincident characteristics, and be normal or depart from normal in the same manner. That unites those two specimens so as to take them out of the realm of probability or even possibility of being mistaken and reduces it to the question of mathematics—making it a mathematical demonstration. It is something that can be figured out mathematically in the law of geometric progression.

Q. Now, Mr. Kinsley, I will show you the papers which have been identified here as Exhibits "C1," "C2," "C3," and "C4." I have put them on top here and I will ask you first two general questions. We understand, then, that from an investigation of a specimen of typewriting you can determine the make of the machine upon which it was written?—A. Yes; except that there might be some new machine put on the market of which I did not have a specimen.

Q. Standard machines?—A. Yes.

Q. Then, having determined the make of the machine, as to whether a Remington, Underwood, Smith-Premier, or other make, having determined the make of the machine, the manufacture of the machine, can you, as between several specimens of typewriting, tell which ones were written upon the same make of machine?—A. I can. I would like to state here, in explanation of the manufacture, the Remington and Monarch typewriters had the same identical master type for a while, and they are now making changes so as to enable identification to be made. Where the same master type was used, of course, you could not tell the difference between two makes of machines. Between the Remington, Smith Premier, and Underwood it is a matter of absolute certainty.

Q. Any other type?—A. L. C. Smith.

Q. Can you tell between the L. C. Smith and the Premier?—A. Yes; you can tell that.

Q. I can not. Can you?—A. Yes, sir; I can tell that; there is a difference in the size of the type and a slight difference in the design.

Q. I submit to you those four exhibits, "C1," "C2," "C3," and "C4," and ask if you have made such investigation of them as that you can tell us upon what make of typewriter they were written.—A. Yes.

Q. Were they all written upon the same make of typewriter?—A. They were.

Q. What was the make of typewriter?—A. Smith-Premier machine.

Q. Can you positively say they were made upon the Smith-Premier and not upon the L. C. Smith machine?—A. Yes, sir.

Q. And not upon the Underwood?—A. Yes, sir.

Q. And not on the Remington?—A. Yes, sir.

Q. Or the Monarch?—A. Yes, sir.

Q. Can you tell me whether they were written upon a machine—I don't know what you call them, overshot or undershot—I mean can you see, as the machine writes, what it is writing?—A. You can not see on the Smith-Premier.

Q. I think it has been described as visible and invisible.—A. It is not a visible writing machine. It is one of the few machines that has a type arm or bar for each character. For example, the Remington has both capital and small letter on the same arm; you use a shift key, depressing to throw up the capital.

Q. That is, you make a capital "R" on the same arm that holds the small "r"?—A. Yes.

Q. How does the operator make the capital "R"?—A. With what is called a shift key. One key that they depress with one hand and strike the letter they want with the other.

Q. Holds the blank key down and strikes the other to make the capital?—A. Yes. That is one means of identifying a Remington machine, because, in substantially every case—there are some exceptions, but substantially every case—where the capital "R" is out of alignment the small "r" would be out of alignment, too, being located on the same type arm with the capital.

Q. You say that these four exhibits were all written on the Smith-Premier typewriter?—A. Yes, sir.

Q. Can you now tell me how many of them, those four papers, were written upon the same identical Smith-Premier machine?—A. I think all of them were written on the Smith machine—Exhibits C "1," "2," "3," and "4."

Q. You think they were all not only written upon the same make machine, but upon the same identical machine?—A. Yes.

Q. I will hand you what we have come to know as the anonymous letter on the Postal Telegraph blank and ask you if you have made such examination as will enable you to say what make of machine that was written on?—A. I have.

Q. Upon what make of machine was it written?—A. In my opinion it was upon the Smith Premier machine.

Q. Have you made such investigation as will enable you to say whether it was or was not written upon the same identical Smith Premier machine as Exhibit "C 1," "C 2," "C 3," and "C 4?"—A. In my opinion it was written on one and the same identical Smith Premier machine.

Q. I hand you what is known as the anonymous letter on the New Willard paper and ask you if you have made such examination as will enable you to say upon what make of typewriter that was written?—A. On the same make of typewriter, Smith Premier.

Q. Can you say whether or not that New Willard letter was written upon the same identical typewriting machine as the unsigned communication upon the Postal Telegraph blank?—A. In my opinion it was.

Q. Then was it or was it not written upon the same identical machine as the four Exhibits "C 1," "C 2," "C 3," and "C 4?"—A. In my opinion it was.

Q. Can you tell us any more fully than you have done what leads you to that conclusion?—A. I have made a study of the Exhibits C "1," "2," "3," and "4," and also Exhibit No. 101 Mr. Carvalho used for the purposes of comparison. I have put in quite a little while, and I am not all through making comparisons yet, but as far as I have gone I have found 65 coincident identities in the two sets of writing, one of these I denominated the standards; that is, Exhibits C "1," "2," "3," and "4," and the two anonymous communications I have referred to as the questioned. A comparison between the same letters in the two sets of exhibits, keeping in mind the five means of investigation that I have outlined at the start, beginning with design, taking up inequality of impression, space, slant, and defects in type, have given these 65 coincident characteristics. I found, for example, in the capitals the "F" is low, has a heavy top and heavy again at the base. There are really three identifications in that one letter, a heavy top, a heavy base, and it is also low.

Q. What do you mean by low?—A. Low, considering a perfect alignment, taking a base line.

Q. What paper is that you have in your hand?—A. This is the Willard Hotel anonymous communication. It shows that the "F" stands below the proper alignment for the balance of the line. At the same time it will be noticed that the "O" is above that alignment. When the two letters come together it is quite marked, they look farther apart than they actually are, because the "F" is too low and the "O" too high, and then the "O" is heavy at the top and at the bottom and on the right side, whereas the left side of that "O" is rather light. Now, these points, all of them, are found in the two sets of exhibits in the standards and in the anonymous communications.

Q. What do you mean by the standards?—A. Exhibits "C 1," "C 2," "C 3," and "C 4."

Q. Is this "C 1?"—A. "C 1," "C 2," "C 3," and "C 4" I call the standard exhibits; because this work of course is done by comparison—by comparing a questioned writing with some others, and the others are what are called standard writing in that case.

Q. Now, what is the other paper you hold in your hand, you referred to four of them?—A. They are Exhibit 101, the sheet prepared by Mr. Carvalho, where the clipped words and letters and parts of sentences taken from the anonymous Willard Hotel letter and Exhibits "C 1," "C 2," "C 3," and "C 4."

Q. I merely wanted to identify them on the record.—A. In the "O" we have the location too high; we have made a heavy top, heavy base, heavy on the right and light on the left. Now, if in one of

the known standards we should find the "O," for example, too low, that one peculiarity of course if it was repeated and was shown to be constant would eliminate this whole matter from further comparison unless machines had been adjusted or time had elapsed; and if the letter was heavy on the left side, reversed from what it is, it would eliminate it from further comparison, with some exceptions. So we have three or four identities in some particular letter; and in the same other letter in the other specimen they must be coincident—they must be found in the standards and in the disputed. Then again when we find a letter that is perfect, or substantially perfect, so far as its type face, impression, and outline are concerned, we must find that same letter in the same condition in the other set of exhibits. So it is a constant comparison—the failure to identify or connect any one of which would eliminate from further consideration the papers under dispute. So that that takes the matter really out of opinion evidence and reduces the question to a physical fact that can be mathematically figured out.

In the capital "R" the little horizontal strokes at the bottom are really not horizontal, but slant a little to the right.

Q. Are you now on the "R" in the word "FOR?"—A. Yes; or wherever it occurs it just runs downhill very slightly; it has not a marked effect. In the capital "N" in the first downstroke there is a slight break in the line, or not a break in the continuity, but a little bulging toward the left. The line is not absolutely straight. That is found in both standards and anonymous. The capital "C" has a heavy top, it is low, the lower part is light, the lower part has a too narrow appearance. It is not a well-proportioned oval in the lower part. The capital "A" is slightly too low. The capital "I" is heavy, is low, and slants to the left.

Q. What letter is that that slants to the left?—A. Capital "I."

Q. That depends upon whether you read up or down, as I look at it; if you start from the base up it leans which way?—A. To the left of vertical.

Q. That is, looking from the base upward?—A. Yes, that is the way we determine.

Q. Go back a minute to the "A." It strikes me that the "A" in "Carmichael" is lighter all around than the "A" in "Chairman."—A. That is true; that is accounted for in two ways. The "A" in "Carmichael" is an original printed from a ribbon, while the "A" in "Chairman" in the one below is printed from a carbon, and furthermore, there is a difference in the photograph, and that is determined by noticing the difference in the paper itself which surrounds the words "Carmichael" and "Chairman." The photographs are what is known as "developed" prints; put in a tray and developing chemicals poured over, and at a certain period the operator is supposed to take them out. Sometimes they are slightly overprinted.

Q. Overdone?—A. Overdone, and that brings out strongly the marks on them, in this case the typewriting and also the background. You have a chance to discover the proportions between typewriting and background in the photograph itself.

Q. Is not the "A" in the last syllable in "Chairman," is not that lighter than the first "A" in the first syllable?—A. Yes; but both of them are more filled up than the "A's" above in the "Car-

michael." But if the balance of the "A's" in the other parts of the same Exhibits C "1," "2," "3," and "4," are taken as a whole it will be found that they average better than the "A's" in "Mr. Chairman."

Q. Heavier or a little lighter?—A. Lighter and more open.

Q. Would a harder or a lighter stroke by the operator produce a heavier or lighter or darker letters?—A. Yes, in both cases. A different ribbon in one case and different carbon in the other would serve to make a difference. Another reason, the capital "I," I think, is so heavy, it serves a double purpose; it is used as a capital "I" or figure "1," which is somewhat unusual. I found it before in other operators' writing, but it is extremely unusual.

Q. Where did you find it?—A. In Exhibits C "1," "2," "3," and "4," where there are a number on the left-hand margin. You will find capital "I" has been used all the way through for the figure "1." The makers of the machine intended the small "l" to be used as the figure "1," and it is so used probably by a great preponderance of writers. And this instance is some little indication connecting the two writings, being the product of the same operator—just one indication of that.

Q. In the New Willard letter there is no figure "1" that I see.—A. But in the telegram refers to that $1,475,296.60, and there we have the figure "1" or have the capital "I" used as the figure "1."

Q. Where else does that appear?—A. That does not appear in the questioned writings in any other place, because that is the only figure where that occurs, but in the standard writings.

Q. "C 1," "C 2," "C 3," and "C 4?"—A. It occurs dozens of times, I should say. I will not say dozens, but it occurs a large number of times, showing that it was the habit of the writer of the standards to use the capital "I" for the figure "1."

Q. Suppose instead of the standards you say "C," because you use standards in reference to the make of typewriters. Say "C 1," "C 2," "C 3," and "C 4," and then we will know what you mean.—A. All right. Then capital "S" is low, slants slightly to the right. The capital "T" is a trifle low.

Q. Where is the capital "S" on chart No. 101?—A. It occurs in "State Senator," the bottom, to the left, and "Secretary;" there are three of them from the New Willard letter and four of them from "C 1" and "2" and "3" exhibits.

Q. "C 1," "C 2," and "C 3?"—A. "C 1," "C 2," and "C 3." The "D" slants slightly to the right, is low. The "H," which slants slightly to the left and is lighter on the left side and is above base of the capital "A" following. "E" is rather light. The small "b" has a very distinct and identifying slant to the left; the oval is heavy; the oval is also misshapen somewhat. Everything that I have mentioned as stated to be coincident that is found in both sets of exhibits "C 1," "2," "3," and "4" and the telegram and New Willard letter, one of both of those. I won't stop to point out the line.

Q. Let me understand you there where you say "one or both." You mean if it does not occur in those it is because the word is not to be found in both. Do you mean the word appears differently in the two?—A. It means that I can not find that letter in both exhibits. Sometimes the letter appears in one exhibit, sometimes both

exhibits, exhibits referring to New Willard letter and the telegram. The small "c" slants to the left; it is low and rather heavy. The "d," the small "d," the left side of the oval is light, top is heavy; has a slight slant to the right. The "e" is too high, the bottom a little lighter than the upper part. The small "l" is a little heavy. The "o" is too high. "r" slants to the right; it is low and heavy. The "s" slants to the right and is also quite heavy. The figures, the one I have referred to is the capital "I," too low, heavy, and slants to the left; the "2" slants to the right; the "4" slants to the left, and is also a little low; the "6" slants to the left and is high; the "7" is high and heavy; the "0" high and heavy on the right-hand side.

Q. Now, in what one or more papers do those eccentricities occur?—A. Leave the "5" out, because that does not occur in the question.

Q. What question? We want to get it on the record.—A. I am talking about the figure.

Q. In what paper?—A. These figures occur only in the telegram, and the figures that are in the telegram are the 1, 2, 4, 6, 7, 9, and 0. By mistake I included the "5," which I should not have put in.

Q. Where else do those figures occur, if at all?—A. All through "C1," "C2," "C3," and "C4."

Q. Do you mean that those peculiarities to which you refer are coincident in the telegram and in the Exhibits "C1" to "C4?"—A. "C1," "2," "3," and "4." As I said at the outset, I have so far discovered coincident characteristics in regard to these various features just as it varies from the normal, not taking into account those features that are normal, just taking the abnormalities, 65 variations that are coincident in the two sets of writings, the telegram and the New Willard letter on the one hand and on the other "C1," "2," "3," and "4," and this would render it, in my opinion, a mathematical certainty, practically so, that these two sets of writings were done on one and the same typewriting machine, and those are the reasons for arriving at this conclusion.

The CHAIRMAN. Mr. Stevens, do you wish to ask any questions?

Mr. STEVENS. No.

The CHAIRMAN. Mr. Howard, do you wish to ask any questions?

Mr. HOWARD. No.

The CHAIRMAN. Is there anyone else present, either in person or by counsel, who wishes to ask the witness any questions?

I will call Mr. Osborn.

TESTIMONY OF ALBERT S. OSBORN.

ALBERT S. OSBORN, upon being first duly sworn, upon being examined, testified as follows:

By Mr. OLMSTED:

Q. Mr. Osborn, will you give your name to the clerk; have you done so?—A. Yes.

Q. Will you tell us where you live?—A. I live in Rochester, in the State of New York.

Q. How long have you lived there?—A. About twenty-six years.

Q. What has been your business during that period?—A. Teacher

in commercial branches, and for the last fifteen years and upward examiner of questioned documents and disputed papers of various kinds.

Q. What questions have you investigated in connection with such inquiries?—A. Questions relating to disputed handwritings, and also questions relating to disputed typewritings and some other questions as to the sequence of crossed lines, erasures, and ink and other incidental questions relating to disputed documents.

Q. Have you made a special study of typewriting?—A. Yes, sir.

Q. Have you made any study of it as relating to any particular machine or build of them?—A. Particularly relating to the leading machines; that is, the Remington and the Smith Premier. I have had occasion to give special attention to those two machines in connection with several important inquiries involving typewriting produced upon those particular machines.

Q. I find here upon my desk, upon the committee table, a pamphlet on typewriting as evidenced by Albert S. Osborn. Are you the Mr. Osborn?—A. Yes, sir.

Q. Are you the author of that?—A. That is a document I gave to the chairman last evening, being a publication of articles printed in various law journals and The Typewriter and Photographic World, a reprint of those articles just printed last week.

Q. The articles were written by yourself?—A. Yes, sir.

Q. I find also a pamphlet entitled "Typewriting Expert Testimony."—A. That is a reprint of an article originally appearing in the Albany Law Journal five or six years ago.

Q. Written by yourself?—A. Yes, sir.

Q. Can you tell us some important cases in which you have been employed as an expert?—A. As to typewriting?

Q. Typewriting in particular?—A. Yes. I was employed as expert in the case entitled Hunt *v.* Peshtigo Lumber Company in Wisconsin, also a case entitled Gates *v.* Hiles in Milwaukee. Those are both typewriting cases entirely. The first one involved the question regarding the Smith Premier typewriter. I also investigated the subject of typewriting in the Rice-Patrick case in the city of New York, and in the case entitled the Gamey investigation, in Toronto, Canada, in an alleged bribery case, where the question was whether certain documents that were the basis of the charge of bribery—that is, as to the origin of those particular papers—there were eleven disputed documents that originated in one of the government buildings in Toronto. I have also investigated this typewriting question incidentally in connection with numerous cases also involving the question of handwriting, and recently at Scranton, Pa., the investigation as to the identity of the typewriter of an alleged will regarding which the claimant recently confessed and pleaded guilty and was sentenced.

Q. Right there, was that the case concerning which Mr. Carvalho testified?—A. It was the same case.

Q. He testified that the signature, as I understood it, was by rubber stamp. I tried to ask him whether the body of the paper was in question at all, the typewriter paper, but I do not think he understood my question and did not answer distinctly.—A. After the first trial it was discovered—that is, was claimed—that the document was written fifteen months after the death of the testator in another

city, and the typewriting machine upon which it is alleged the document was written was brought to Scranton, also the operator, who testified that she wrote the paper fifteen months after the death of the testator. The inquiry related to a comparison of the actual work on this particular machine—that is, the writing of this particular document, and a comparison of the document in question with the same document as rewritten; also a comparison of papers from this particular typewriter of the alleged date of the document in question, and that was the special typewriting inquiry at that place and time. That inquiry was regarding the Hammond typewriter.

Q. You found that the will was or was not written on the typewriter on which it was said it was written?—A. The document was undoubtedly written upon the machine that was brought from the city of Easton, and was unquestionably the product of that particular typewriting machine, not only that particular kind of machine but that actual machine.

Q. It is perhaps not important here, but how did you know that that was not a genuine will; how did that establish that fact?—A. It was written fifteen months after the death of the testator.

Q. There would be circumstantial evidence, perhaps?—A. If the operator who wrote it when the testator was living did not know how to operate a typewriter but had learned after that time.

Q. Are you a typewriter operator?—A. No, sir.

Q. You said you have made a study of the Smith Premier?—A. I had occasion to make a very thorough study of the Smith Premier typewriter in connection with the case in Wisconsin, and in connection with that inquiry visited the factory and had access to all their records as regards type faces, and also secured at that time and since a complete history of their machine, with the various styles of type that they have employed, and also the dates at which they were adopted.

Typewriting questions arise in two ways—that is, the question of identifying a particular machine and the question of determining the date of the type writing, as to whether the particular typewriting was produced before or after a certain period. Frequently documents in question are not actually written on the date they bear, and of course it is perfectly clear that if they were dated before the machine was made at all that they would be fraudulent.

Q. You would not undertake to tell by looking at typewriting whether it was written on Friday or the third day preceding?—A. No; but I would undertake to tell whether it was written in 1900 or 1890; that is just the question that often arises.

Q. Will you explain to us briefly the method employed in making typewriters; they are metal letters?—A. They are metal letters; steel letters.

Q. How are they attached to the typewriting machine?—A. The letters as used on the Smith-Premier typewriter are made from what is called master type, type cut by an engraver similar to the type as used on the machine, excepting that it is made without a shank for the purpose of attaching it to the machine. From that type an impression is made on soft steel by pressing the master type into the steel, forming a matrix. From it the metal letters are made by pressing against this mold, and the steel takes the form of the matrix, and then the letters are hardened and each letter contains

a round shank and that is forced by pressure into an opening into the end of the type bar which carries the type, and then the type is adjusted and aligned so that the type line is straight, and so that the characters bear the same relation to each other as the typewriting is done.

Q. Is it not possible to have those letters so perfect and the alignment so perfect that all machines that are of the same make will make the same imprint on the paper?—A. That would be true if the letters and the adjustment of the machine in every way was perfect. If a typewriter was made absolutely perfect, every letter complete and printed perfectly and adjusted perfectly, it would be impossible to distinguish the work of that machine from a similar machine doing perfect work. But practically the machines are not adjusted with absolute accuracy, but they are adjusted with sufficient accuracy so that under ordinary observation, especially when new, the work appears to be perfect, or nearly enough perfect; but as soon as the typewriting machine is used the work begins to deteriorate until it is discarded, and that deterioration is the mark of individuality in that particular machine, and the degree of certainty with which typewriting can be identified is determined by the number of points of identity—that is, the amount of matter in question and the quality and the amount of the matter with which it is prepared.

Q. Let me ask you right here, you say that the minute the typewriter is put into use it begins to deteriorate?—A. Yes, sir.

Q. Suppose a typewriter had been put into operation two years ago and would be in operation to-day, could you then identify a document written on that machine two years ago by a document written on it to-day?—A. It would depend upon the amount of work written upon the machine and the care with which the machine had been used. I would say that many times it would be difficult to distinguish the work of such a machine. Of course, many times two years would not affect it, and then again it might affect it. It would depend upon how carefully it was used and how perfect the work was to begin with. That is one of the questions that arises in the question with regard to the date of a document as to the condition of a machine on a particular day. That is, these deteriorations and departures from normal are progressive. If an accident occur in some typewriting machine at a particular date, that would affect the subsequent writing on that machine. Of course that would be one of the means of identifying the work of that machine as of that date. Of course if the time of examination were far enough removed I should say it would be difficult to tell whether it is the same machine or not. That would depend upon the character and the amount of use of that particular machine.

Q. You can very readily tell when the papers submitted to you have been written within a comparatively short time?—A. Yes, sir; there is no question about that.

Q. Now, you speak of what I think I commenced by calling "identities" and Mr. Cavalho spoke of as "abnormalities"—you understand what I mean, points of——A. Similarity between the two.

Q. Peculiarities?—A. Yes, sir.

Q. That occurs in two or three papers. Now, how many of those identities would you require in examining two papers to satisfy you

that they were written upon the same and identical machine?—A. I should say it would be difficult to say just how many. That would depend somewhat upon their character. Certain examples are more significant and indicate individuality more than other ones, so it would be difficult to say just how many ought to be included.

Q. Have you any special apparatus or implements that you yourself devised, or have you any which are used in the examination of typewriting?—A. I have devised some glass test plates, for the purpose of determining and illustrating particularly the question of alignment. These consist of glass plates containing ruled squares arranged in the same proportion and relation to each other as the typewritten letters on the ordinary typewriter. The ordinary typewriting machine, if it is a Smith Premier or a Remington, and most of the others, write exactly ten letters to the inch, so that the space given to each letter is a square approximately a tenth of an inch each way, so that the relation of the letters to each other, both vertically and horizontally, the vertical and horizontal alignment, is one of the characteristics that distinguishes one typewriting machine from another. These differences in most cases are differences from the very beginning. There are very few typewriting machines so accurately adjusted as they come from the factory that it is not possible to distinguish them from each other by careful examination, although it is more difficult than it is later.

Q. Did you say is possible or is not possible?—A. I say it is possible many times to distinguish them from each other. For example, I have taken ten entirely new machines as they came from the factory and made an examination and comparison of their work as compared with each other, and found it possible to distinguish the work of every one of them as compared with the others with specimens that were clearly defined and with a sufficient number of characters to cover those on the machine. Of course, in every case, in every investigation of this kind, the positiveness of the opinion depends upon the amount of evidence, the number of characters involved, and that in a measure depends somewhat upon the character of the typewriting. That is to say, if the impressions are clear and uniform and can be accurately measured and observed, it is possible to see very slight deviations which may be just as significant as indicating a certain machine as a larger and more evident charcteristic, if this characteristic is an actual fact. That is, many deviations of typewriting are microscopic in their character, and if the specimen of typewriting is examined with sufficient are and especially in an enlarged form, it is possible to make a description of almost every character that appears that will distinguish it in certain ways from the typewriting of every other machine. Of course, this depends upon the number of the characters involved. This particular instrument that I refer to is one carrying very fine lines with the squares ten to the inch. By superimposing these squares over a line of typewriting it is possible by comparing them with each other, which of course is the test of alignment—that is to say, the test of alignment in the large majority of the characters. Machines as made originally are all aligned to the small letter "n." That is, made to print in the middle of the type basket and then the other letters are aligned to the "n" so that the inspection slips as made by the typewriter companies contain all

of the characters written with the "n" between the characters, and they are approximately, of course, when the alignment is finished, in a straight line. Now it is clear that if these letters writing ten to the inch, that each letter may take a position to the right or left, or up or down, or diagonally, so that there is a large number of possible variations in the typewriting, and under enlargement, as I have described—sufficient enlargement—it becomes perfectly apparent as to the relative position of every character to every other character, and as I say, this is one of the means of identifying the work of the typewriting machine.

Another little instrument that I have made for this use is a protractor, which measures five degrees each side of vertical, for the purpose of measuring accurately and describing the deviation of the letters in relation to base line. That is the staff letters that it is possible to measure in this way.

Q. You have given us the general information upon the subject; do we understand that by the use of the appliances to which you have referred and samples which you appear to have before you, magnifying glasses, and so forth, are they?—A. Yes, sir.

Q. That you can identify any piece of typewriting as compared with any other piece of typewriting; you can tell whether that is written on the same identical instrument?—A. I can, if there is sufficient material for examination and sufficient standard typewriting with which to compare it, unless, as I have already said in direct examination, that where two machines were made so accurately and were entirely new, that it would be difficult to do it unless it involved every character. I say ordinarily my experience is that typewriting from any machine can be identified if there is a sufficient amount of the typewriting in question.

Q. That is, you mean if the sample contains sufficient words?—A. Yes, sir; sufficient characters of a good quality.

Q. In what respect does the style of letter of the Smith Premier machine differ from that of other typwriters?—A. The Smith Premier typewriter carries a style of type different from any other typwriter. This particular form of type was made by an engraver by the name of Vetter. The letters of all the different fonts of type used on typewriters differ radically from ordinary printing type. The requirement in typewriting that each letter should occupy the same space necessitated the invention of an entirely different design of letter from that used in ordinary printing, the endeavor of the engravers being to make the wide letters narrow and the narrow letters wider, so that they would approximately occupy the same amount of space and give a line of typwriting a uniform appearance. In ordinary roman letters as used on the ordinary printing press the small "l," for example, and the small "i" are very much narrower characters than the "m" or particularly the capitals, and in typewriting the small "i" occupies the same space as a capital "M," so that one necessity arising in the development of the typewriting machine was the designing of typewriting letters and these various engravers developed their own individuality in this direction, and the typewriting letters on the Smith Premier machine as made by this particular engraver vary from any other letters used in typewriting.

Q. Are they different from the type on the L. C. Smith machine?—A. They are in size and proportion. The same engraver made the

letters that appear on the L. C. Smith machine. One of the distinctions of the Smith Premier typewriter is the proportion of the small letters to the large ones, that is to say, the small letters are larger in proportion to the capitals than on any other typewriter, and there are certain characteristics that this particular engraver made in his own particular way; one of them is the small "a," he omitted the last upward hook on the right-hand side of the letter, at the base, as appears, for example, in the Remington or Underwood machine, and is a part of the regular Remington small "a."

Q. I thought you said the small "i?"—A. No, small "a."

Q. About the "i," you said something about the "i?"—A. I said the "i" was wide enough to occupy as much space as the capital "M," not to occupy as much but it fills as much.

Q. That is the little "i?"—A. Small "i."

Q. How about the capital "I," any difference between the capital "I" in the L. C. Smith machine and the Smith Premier machine?—A. No, not very much. The difference between the small "i" on the Smith Premier machine and the L. C. Smith machine is difference in height. The minimum letters on the Smith Premier machine are about seven-thousandths of an inch higher than they are on the L. C. Smith machine, or than they are on the Remington. That is, there is a greater difference in the height of the small letters and capitals on the L. C. Smith and Remington than on the Smith Premier. Another difference in the Smith Premier typewriter as compared with the other machines, one of the distinctive letters is the small "r" which is a very different design of letter. Another one is the small "f." The staff of the small "f" in the Remington letters and also upon other typewriting machines is crossed by a bar at the top at the height of the small letters and in the Smith Premier type this bar was put lower for the reason that the type of this letter would frequenty fill up with dry ink and print broad there instead of with an opening as it should print.

Q. Now, Mr. Osborn, I will ask you to pick up that typewritten bundle of papers there.—A. The originals?

Q. Yes. On the top there are exhibits know as "C1," "C2," "C3," and "C4." I think you have given some investigation to those papers?—A. I have.

Q. I ask you whether you have investigated them sufficiently to be able to tell this committee upon what make of typewriter they were written?—A. Yes, sir. In my opinion those four pages were undoubtedly written on the Smith Premier typewritter.

Q. You say four pages, there are four papers.—A. Four papers numbered "C 1, 2, 3, and 4."

Q. Now can you tell us, have you made sufficient examination to be able to tell us, whether or not any two or more of them were written upon the same identical Smith Premier machine?—A. In my opinion they were all written upon the same identical Smith Premier machine.

Q. I call your attention to a paper before you that is known as New Willard anonymous letter, written upon letter paper of the New Willard Hotel. You have that in your hand?—A. I have.

Q. Have you made sufficient investigation of the paper to be able to tell us upon what make of typewriter that was written?—A. Yes,

sir; I am of the opinion that was undoubtedly written upon the Smith Premier typewriter.

Q. Can you tell us whether or not that was written on the same identical Smith Premier typewriting machine as that upon which the papers known as exhibits "C 1 to 4," inclusive, were written?—A. In my opinion it was written upon the same identical typewriter.

Q. Now I will call your attention to the telegram; that is, the typewritten matter on a blank of the Postal Telegraph Company, and ask you if you have examined that sufficiently to be able to tell us upon what make of typewriter that was written?—A. I have, and in my opinion that was undoubtedly written upon the Smith Premier typewriter. I would say, also, a Smith Premier typewriter made since the year '97, because that is the year that type was made that is printed upon it.

Q. Can you then tell us whether that typewritten matter upon that telegraph blank was written upon the same identical machine as the New Willard letter?—A. In my opinion it is the same identical machine upon which the New Willard letter was written.

Q. Then, was it or was it not written upon the identical machine upon which exhibits "C 1, 2, 3, and 4" were written?—A. In my opinion it was written upon the identical machine that No. "C 1, 2, 3, and 4" were written with.

Q. Will you explain to us by what process you arrived at that conclusion?—A. I reached that conclusion by the same process by which an individual may be identified. That is, the comparison of the various features and characteristics of the typewriting as they appear upon these two documents, the New Willard letter and unsigned communication upon the Postal Telegraph blank, as compared with the typewriting upon exhibits "C 1 to 4." The principle underlying the process is the same as that of the examination of anything that has a large number of possible divergencies in it; the comparison of those divergencies with each other in combination with identical characteristics which may appear or may not appear in both series of documents.

In the first place, I examined the paper for the purpose of determining whether the document, the New Willard paper, and the telegraph blank were written on the same machine, upon the same kind of a machine. That is, I determined by comparison of the various designs of those letters with each other, by comparison of all the designs, that they conform to the designs on the Smith Premier machine, so I reached the conclusion that the two documents under investigation and the documents with which I compared them, "C 1 to 4," are all written upon the Smith Premier typewriter. Then I compared the features or characteristics, the elements of these documents in every particular, endeavoring to discover the particulars in which they deviated or diverged from a perfect, normal form. That is, if the letter prints out of position, out of alignment with other letters, that would be a deviation from a perfect form. If the letter prints in a wrong relation to the base line, so far as its perpendicular position is concerned, there would be a deviation from a perfect normal. If a letter prints so that the face of the letter does not print uniformly that is a deviation. Now, in order to reach a conclusion that two sets of typewritten papers were written on the same machine we must find a combination of deviations from normal and no

distinct, significant diversities from each other. A significant divergence which would differentiate two machines would be a different design of letters or any letter or a pronounced characteristic which in one series of writings was permanent and persistent and the other one was permanent and persistent in a different way.

The principle, as I say, underlying the examination or the determination of such a question is the same as that underlying the identification of an individual from a description as to his general features, those that are normal and the coincidence in these and in abnormal particulars. That is to say, similar to the system of human identification as is developed in the French system, now adopted in this country, as based upon a series of measurements of the human frame in connection with a personal description. There are only eleven measurements made, and that in connection with the description of the individual is supposed to be sufficient to identify any particular individual. This is possible for the reason that the deviation from any one of the descriptions of course excludes every other individual that does not answer that particular description. Now we have that same principle applied to typewriting. For example, if we had all of the Smith-Premier typewriters that were ever brought to the city of Washington all in one collection, and we had these typewritings before us marked "C 1 to 4" and were endeavoring to find the machine, having the actual machines before us, we immediately would have to exclude every typewriter which did not have the abnormal characteristics which appear persistently upon the documents in question, and it is just the same, I say, as the identifying of an individual by a combination of deformities or scars. We can find, for example, in a large collection of individuals, those who answer certain descriptions of an abnormal character. That is to say, we could find in the city of Washington many men, perhaps, who would have but one arm.

Now, if we were looking for a man with one arm with a certain scar at a particular part of his person, we must exclude not only all who do not have but one arm, but also all those who do not have but one arm in combination with this particular scar, and common sense teaches that if the description of the individual points to a half dozen abnormal things like scars and deformities and we find that a certain individual answers a general description at the same time, common sense teaches us that that is the man we are looking for. The identification of typewriting is exactly the same thing—that is to say, we have certain characteristics which may be described as deformities, as scars upon the work of the machine, and other characteristics which are of a general character. That is, like those which point to the particular kind of a machine would be similar to those pointing to a particular race, for example. Then we differentiate those by comparing these particular individualities in these particular individuals. Now we have in this examination a combination of so many peculiarities that in my opinion it points conclusively, irresistibly, to one machine as the one upon which "C 1 to 4" and the New Willard letter and the Postal Telegraph communication were written. That is, we have in combination a large number of these characteristics, some of which would occur very seldom. We have, for example, certain deviations in slant of letters—that is, in relation to the base line. Now, this is a deviation in typewriting that

is out of control of the operator, no matter whether the letter is struck hard or soft, fast or slow; that particular characteristic is due to the manner in which that metal letter is put into the type-bar, or due to the condition that arises from an accident that may happen afterwards.

Q. You say that you find that peculiarity running through these papers?—A. I do.

Q. Through the telegram and the New Willard letter, and the papers, "C 1, 2, 3, and 4?"—A. I do. This character, about which there can be no objection, is the small "b." The small "b" is abnormal, from the fact that it does not stand in a vertical position, but leans over to the left. This characteristic runs through all these papers—that is, those marked "C 1 to 4" and the New Willard letter and the telegram, and if we were examining a large number of documents written on a Smith Premier machine would exclude all machines that did not carry a small "b" that wrote in this particular way. Now, in this same communication we have, for example, another kind of characteristic, and that is which appears in the small "o." The small "o" prints on this typewriter so that the right-hand upper side hits the paper first and particularly in a light impression that portion of the letter is a heavier part, necessarily. Of course, if such a letter is struck very hard and the ribbon is soft, well inked, it may be difficult to determine from one character, but I would say in all this examination it is the succession and repetition of these various characters and divergencies that gives force and value to the opinion, because it is perfectly evident that the characteristics referred to were not accidental characteristics, but were those fundamental in the machine, that these divergencies are in the machine itself and not due to accidental surrounding circumstances. There are certain characteristics of certain particular letters that may be due to a condition of the ribbon or to a condition of the manifold carbon paper, which might affect one character, so that I would say it would be unsafe and improper to base a conclusion, either as to identity or lack of identity, upon one characteristic. But those that I have referred to are repeated persistently. For example, we have this combination of this small letter "o" which prints in this peculiar manner with this small "b."

Now, if we were actually examining all this group of typewriters, we must out of the remainder from which we exclude all that did not have the small "b" leaning to the left, we must now exclude all those that do not have the small "o" printing heavier on the right-hand upper side. Now, another characteristic in the same class is the small "n," which prints in the opposite way from the small "o," which prints heavier to the left-hand side, due to the same cause—that is, that the letter is slightly twisted, either originally—never adjusted perfectly—or due to accidents that may occur at any time. So that now we would have three combinations, all of which would be in the nature of a defect or deformity already described, that would tend to identify this particular machine. Then we take another characteristic. We have, for example, a combination with this, the capital "O," which appears in these documents out of its normal position and prints too high. This, of course, must still further be combined in the same way with the characteristics already described.

Then take the figures. I should say that the figures alone on the telegram are very strong evidence as identifying this particular paper. We have a very abnormal condition in these figures, and this condition is repeated throughout the writings numbered "C 1 to C 4." For example, we have on the telegram in question the amount "$1,476,296.60," in which these particular characters print in at least three different heights from the base line, and in the documents with which they are compared we find this same condition repeats itself many times. Whether the figures are in this order as compared with each other, or whether the order is changed, that is the "6" prints very much higher than the "4," and if we simply look at the numbers of the questions on the side of the sheets in relation to the period as indicating the base line, we can determine the relation of these letters to the line of writing, so that I say we must consider all of these figures that are out of alignment in a certain particular way. They must again combine with the abnormal "b," combine with the abnormal "o," and combine with the small "n" and abnormal capital "O." Then we take the capital "L," which leans slightly to the left, and that again in combination with all the other characteristics appearing in both sets of writings, so that finally when we reach and discover as many characteristics as shown in these documents the conclusion is irresistible that they are the work of the same machine.

Q. Now, Mr. Osborn, to go back a little to your illustration, you said if you were looking for a one-armed man in Washington and you found a man with only one arm you would not necessarily assume that he was the man, but if you were asked to find a certain man and the description was that he was a one-armed man, with a scar on his left cheek, and found such a man, you would begin to suspect that he was the man wanted, is that right?—A. Yes, sir.

Q. Then if you were asked to find a man with one arm, his left ear gone, and a scar on his left cheek and one on his right hip. Then you would think you were pretty close to the man?—A. I should say there would be very strong suspicion that he was the man.

Q. How many scars, if any, have you found on this one-armed typewriter?—A. This is about an eighty-armed typewriter.

Q. Well, in other words, how many identifying marks have you found, how many abnormalities, as it has been termed, have you found running through six of these papers?—A. I have not counted the exact number, but I should say that there would be at least 50 that could be easily distinguished, and undoubtedly more than that after a careful examination and measurement, particularly enlargements of these letters, so that we would practically have here a case parallel to finding that a man with 50 scars on him in various places. That is, if we had such a description and found such a man we would be morally certain we had found the right one, because there is underlying this the law of probability, which is very easily applied if we only determine the probability of each separate event.

The principle underlying the improbability of the concurrence of a number of separate things which are each in themselves improbable is determined by the continued product of the fractions representing each event. For example, if we have 20 events, each of which may occur one in a thousand times, then we must combine those fractions representing the events and find the continued product, and

the improbability becomes so great as hardly to be expressed in figures, and practical common sense and experience teaches that such an event never would occur at all, or rather such a combination of events.

Q. Mr. Osborn, can you, from the typewriting in two or three different papers, or more, can you in any way identify the writer or operator, whether they were written by the same operator?—A. I would say that there are certain characteristics in typewriting that tend to identify an operator, but only that far. That depends, of course, upon the care with which the typewriting is done, habits of indentation and paragraphing, the habit of spacing after paragraphs and punctuation, and various little things of that kind which differ in various operators, but I would not undertake to say in any particular case that two documents were necessarily by the same operator or were not written by the same operator, unless the habits were very unusual. It might be possible to say that the typewriter was an operator who was unskilled if it was very clumsy, unless that result had been aimed at by a skillful operator.

Q. Are there or not, as far as you have observed, any identifying marks running through those six papers, New Willard letter, and the telegram, and the four "C's," which lead you to believe that any two or more of them were written by the same operator?—A. One characteristic only, or perhaps two, the use of the capital "I" for the figure "1," which is an unusual use. That is, the typewriter manufacturers intend that the small "l" is to be used for the figure "1" and the small "l" interchangeably, excepting the Hammond machine, which carries a figure "1." But on the Remington machine, Smith machine, and Underwood machine there is no figure "1;" that figure is represented by the small "l" character.

Q. How about this machine?—A. The Smith Premier has no figure "1," but those documents "C L" to "C 4" and the New Willard letter and the telegram—no, not the New Willard letter; I think that did not contain the figure "1"—but in the telegram and the papers marked "C l" to C 4" the capital "I" is used for the figure "1" instead of the "l." I would say that is simply that much evidence to indicate that these papers were written by the same operator, but not sufficient to say absolutely. One other characteristic that is shown two or three times is the peculiar use of the "—" as a punctuation mark. That is, this would refer perhaps to the habit of construction, grammatical construction rather than a habit of typewriting. That is a sudden change in the thought and indication by a "—" and then a conclusion of the sentence, or the addition to a sentence.

Q. Then, as we understand you while that would be some evidence pointing to the same person as having been the typewriter in every case that would not be so conclusive as to lead you to say whether they were or not written by the same person?—A. No; I should say that would not be sufficient evidence to indicate that, but would simply tend to show it.

Q. Now, there are three witnesses who testify from these papers. I would like to ask you whether you and the other two witnesses reached your conclusions separately?—A. Well, I reached mine separately; I can not speak for anyone else. That is, I made the examination independent of anyone else.

Q. While we have listened with much interest to what you have said and have observed with much care the charts that have been handed us here, and they might or might not convince the members of this committee, we could not very well put them in the record. Would it be possible by any photographs or enlargements or otherwise which could be made part of the record to illustrate what you have said?—A. Yes, sir; I would say that it is possible to illustrate all of these characteristics in such a way that the particular characteristic described is unquestioned and can not be doubted and that the interpretation of that and the construction of the question as to whether they would all be likely to unite in one series of papers is the only question involved; that is, that these deviations which I have referred to many of which, however, are of a comparatively small character, but are just as significant as they would be if they were greater, if they are insistent and actually do exist, I say a practical illustration takes these physical facts out of the realm of doubt and shows them to be facts. Then, all that is left for an examiner is to interpret those facts and determine whether it would be probable that these conditions existing would unite in two different machines, and in my opinion proper illustration makes this conclusion so inevitable, so irresistible, that it must be admitted. It is like finding a man with all those scars and deformities, I mean finding a man answering that description, we say unquestionably that is the man. Now, that is simply done; for example, this matter of alignment, taking the various representative words, and I will say that it is not necessary to illustrate all of the characteristics, but a dozen to twenty would be sufficient, with the matter of vertical alignment, for example, simply photograph on a large scale, all these words which represent characters out of alignment vertically or horizontally, or out of alignment in relation to the base line, then the other characters out of relation to each other horizontally, just a few representative ones, and when they are combined as many as twelve to twenty different characters that are of an abnormal character and at the same time there is not present any differentiating characteristic, the conclusion, in my opinion, must be reached that it could occur in but one way, and that is that the documents which are so illustrated were written on the same typewriting machine.

Q. I understand you that such further enlargements and photographs are not necessary for your conclusion?—A. No, sir.

Q. They would merely be further instructive evidence to anybody who might read our record?—A. Yes, sir. That is, it is difficult to see some of these things without a very careful examination: that is, a deviation in alignment may not be more than a very small fraction of an inch, but if it is a permanent, persistent deviation it is just as significant as though it deviated an inch, as evidence pointing to that particular machine.

Q. These charts and photographs, copies of which have been in use here, could they be duplicated, multiplied?—A. Oh, yes; multiplied in a number of ways, by photographic process on ordinary printing paper, or photograph paper, or illustrated by half-tone plates.

Q. Without changing the peculiarities?—A. Oh, yes.

Q. From which the conclusions are reached?—A. Yes, sir.

Q. Now would it be possible in that bunch of papers before you,

Exhibits 1, 2, 3, and 4, lying on top, would it be possible to identify the machines on which they were made and what ones of them, if any others, were written on the same machine as Exhibits 1, 2, 3, 4?—A. I think it is possible to do it, sir.

Q. How much time would that require?—A. It would be a little difficult to tell in advance, but that would depend somewhat upon their character (I have not looked at all of these); the character of the typewriting, and the condition of the ribbons and some of those things that may enter into it. I should say that perhaps a day would be sufficient, or perhaps less than that, although of course such an examination ought to be made with extreme care. I have several thousands of specimens of typewriting from all the various machines that I have been able to find and of the various machines of different dates, and, of course, sometimes a question may arise regarding a particular paper that would take a long time. I should think most of these could be separated within a very short time.

By Mr. STEVENS:

Q. Can you tell from your inspection of those exhibits, C 1, 2, 3, and 4, and from the two anonymous letters whether this machine had been used very much?—A. It would be a little difficult to answer that question with a very great degree of definiteness. I should say this machine had not been used a very great deal. That is not a very definite question to answer.

Q. The point is, is it a comparatively old machine or a new machine, so far as you can tell or the typewriting can tell you?—A. The design of the letters shows that the machine has been made since 1897. I said 1898 before; that should be 1897. These particular letters were actually made in 1897. Now, of course, the character of the work on the typewriter depends very much on the habits of the operator. There are some operators who will wear out a machine in half the time required for another operator to wear out a machine. The defects or the deterioration of a typewriter depends quite largely upon the frequency of the type bars with each other. That is to say that so far as the character of the work is concerned, the writer who writes carelessly and strikes two letters at the same time, those two letters strike each other and if that occurs often the result is defects and bad work in that particular machine. There are other operators with whom hardly ever two letters will conflict. Then there are those who strike the keys twice as hard as other operators, so that it is difficult to say, I would not undertake to say from the character of the work, just how long the machine had been used.

Q. I called attention to Exhibit 103 of anonymous letter on the Postal Telegraph blank in line 4 in the word "submarine" the "b" drops considerably below the line?—A. Yes.

Q. Does not that indicate that that machine had been used considerably, so that that letter had become a little out of place?—A. I should say that if that letter was going to print like that every time the operator would probably send for a repair man and have him fix it. That condition as shown in that particular word, in my opinion, is due to what I have described as a collision between two type bars. The same thing occurs in the word "story" at that last line in that same writing. If two type bars strike together in very rapid opera-

tion or careless operation; that is, two letters come up at that same point or very nearly together they may reach the printing point and only one of them print, and their conflict or collision forces one of them out of position. They can not both occupy that same position at the same time, because the printing point is the same for all characters. The same "b" in the line above in the word "become" you will observe printed on the line with the other characters.

Q. In line 7 of that same exhibit, the word "defeat," the same accident probably occurred there?—A. I am inclined to think that that characteristic was due to the omission of that character, and it was put in afterwards, I think, between the other two. The letters as they appear "defeated," each occupying a tenth of an inch, which would indicate that that word was first written "defated" and then the carriage was run back and the "e" was put in between the "f" and the "a." That could not have been written in that way, in my opinion, in the regular way.

Q. Does or does not that indicate that this piece of typewriting was written hurriedly or by a person who was giving any care to it? Is there any such indication as that?—A. I should say that that characteristic you have already referred to in the word "submarine," the omission of "e" in the word "defeat," and the word "story" there, which in my opinion was also due to the collision of the type bars, would indicate this was written very rapidly or very carelessly.

Q. I call attention to one other characteristic of that letter on telegraph blank No. 103, and that is the alignment and paragraphing of the four, the beginning of which are in a very good alignment, are they not, as to the beginning of the line?—A. They all begin at the same space on the machine.

Q. The next five lines begin one word farther to the right.—A. Yes; four spaces farther to the right.

Q. And the alignment of the first five lines so far as the first word beginning in a perpendicular is a good alignment?—A. Yes.

Q. And the next alignment begins with a fairly good alignment in the first paragraph?—A. Yes.

Q. Does or does not that indicate that the person who wrote that was an experienced operator and was accustomed to paragraphing and lining?—A. Well, I should be inclined to think that that would point to an experienced operator. I think that the condition you have referred to is due to the fact that each of those five lines excepting the last one is a separate statement and grammatically of course should be paragraphed. Now, the habit of paragraphing in typewriting with most operators is to indent a paragraph at five spaces. That is just exactly what is done here, five spaces in. The first statement "submarine foe" and there would be another indication of careless typewriting. "New York Herald and Washington Post;" that is a separate statement and of course is paragraphed. Next one, "Loud can be defeated on this proposition alone by you," is another paragraph and another statement which would be indented and paragraphed in ordinary proper construction. Then the next one is another one, so that this peculiar indentation is really the paragraphing of all those five statements in the same manner exactly. Of course another indication in this paper that it is written carelessly and rapidly is the fact that the first line is not indented where "Loud" should really have begun in five spaces.

Q. So that so far as a hasty examination of this one paper is concerned the indications are that is was written by an experienced operator on a machine that was not very badly worn, written in some haste and carelessness, but he exercised experience and skill in paragraphing and spacing, is that your opinion?—A. Well, I should say part of that. Of course there is an error in paragraphing the very first thing, that the word "Loud" should have been indented. So that I should hesitate to describe the characteristics of such a typewriter operator with a very great degree of detail.

Q. You would not care to indicate any operator by the characteristics that have so far appeared?—A. Except that I should say that this was either very rapidly or carelessly written, or written by one—well, I should say just rapidly or carelessly.

I want to say in addition to what I have already said in regard to these various characteristics that I have not described nearly all of the characteristics which do appear, but I should say from those that I described in combination that they are sufficient on which to base an opinion that these documents are all written by the same machine.

Q. When a machine is operated in a hasty or careless way and much work is turned out from it, will not the parts become loose and tend to wobble and change their alignment or position some?—A. Yes; particularly on most machines of this character; that is, machines that use a swinging type bar there is a tendency to become loose, so that an occasional character will print in an abnormal way sometimes. Then this, again, of course is due to the skill and character of the operator.

Q. I call your attention to these various documents. Is there any indication—that is, in all of the six papers that are before you is there any indication from your examination of them that the operator possessed experience and skill in the use of punctuation and spelling?—A. Yes; my opinion is that these documents show quite accurate results in this direction.

Q. More than the ordinary individual uses in typewriting?—A. I would not call this extraordinarily good. I should say this is what you might call average results, average work.

Q. I am not speaking of the appearance; I am speaking of the spelling and the punctuation of it, to be read.—A. Well, I should call it about average typewriting, the average result in that direction.

Q. About the average skill?—A. Yes; I should think so.

Q. About the average skill?—A. Yes.

Q. After the machine has become worn somewhat and some of the letters have become used and loose, does that change the situation any as to your identification of the machine from the work that comes from it?—A. Yes, sir; I should say just in proportion that those conditions develop, just in that proportion it is possible to identify the machine. Of course the more nearly perfect the machine is in every way the more difficult it becomes to identify its work, and the more abnormal it becomes, defective, the more easy it is to identify its work. There are certain other characteristics here, perhaps, I might call attention to combined with those I have already described, one of which is the small "d," which in both sets of these documents—that is, those in question with the ones

with which they are compared—the small "d" leans to the right in most instances; there is a slight variation in it. Next the small "v." I think attention has not been called to this. The small "v," in my opinion, shows that the type face of that letter has been injured, so that it prints heavier than it should normally. That is, this particular letter in most instances where there is a uniform impression is a lighter "v" because the lines are wider. The width on these type faces as made originally are all the same, but these conflicts, collisions between letters, batter the faces of certain letters as the accidents occur, so that that letter would always afterwards print with a heavier impression, a slightly darker and heavier line, and the capital "R" prints slightly to the left, and is just a little bit twisted, so that the top of it prints a little too far to the right in proportion to the base; I mean usually. Some of these characteristics are due to the lack of uniformity in the impression. Also the right-hand side of the base of the small "i" is frequently heavier than the left-hand side, which, I think, is due to the same cause; that is, I think, to the fact that the letter prints first slightly darker on the right-hand side. I should say that all the identities described are ample on which to base the conclusion that the documents are all written by the same machine.

By Mr. HOWARD:

Q. You have spoken of the liability of a typewriter to wear with age. Apart from any matter of extent of time, is it true that a type bar wears into another part and elbow that the bar wears in?—A. Yes, sir.

Q. Now, how is that adjusted?—A. It is adjusted by tightening of certain screws which affect the bearing, and of course as the machine wears the bearings become loose, and it then writes more erratically than it would when it was new and better adjusted. That is to say, that a slight wearing of the bearings may affect a letter so that it prints not with absolute uniformity, but with a divergence that may be slightly in two directions, and that is particularly of certain characters on certain machines that may become loose.

Q. Is that bearing adjusted to its component part as being laid in as in a jaw like that spectacle?—A. It is on the Smith machine.

Q. The Smith Premier?—A. Yes, sir.

Q. So that it works in a jaw fastened with a screw, or is it bradded?—A. Well, now, I can not remember. I know on the Remington machine the adjustment of each joint is an adjustment that can be adjusted by a screw in connection with the joint itself, but I can not just at this moment remember about the Smith.

Q. The type bar, the part the type is adjusted to, is about 2½ to 3 inches long, is it, if you count the elbow joint?—A. Yes; I should say about 3 inches on the Smith machine. It has a slightly larger what you call "basket" than the other machines, because it has twice as many bars.

Q. Now, then, the length is something like 2½ inches until you get to the keyboard?—A. Yes.

Q. If you strike a keyboard that actuates a straight bar 2½ inches, with that much leverage or leverage starting about two-thirds of its length, then a joint and type bar working into that joint——A. That is not, I think, exactly the way I understand your question.

Q. Are there two parts from the keyboard to the type?—A. There are three parts.

Q. Three joints?—A. Yes.

Q. Now, what is the liability of wear where there is a construction of that sort?—A. Of course it does wear a little, and a little wear at the joint of course would be accentuated at the end of the bar.

Q. By as many times as there are joints?—A. As the proportion to the joint is to the length of the bar.

Q. Is not that tendency to wear at each jaw into which it is set as well as wear on the pin that passes through the joint?—A. Yes.

Q. That wears on the pin that passes through the jaw; the tendency of that would be to lengthen the type bar?—A. Yes.

Q. If it wears the right or left jaw the tendency would be to throw the letter to the right or left in alignment?—A. That would depend upon the position of the letter in the basket. Now, in the Smith machine the letters are all hung in what is called a "basket," and that is a fact that must be taken into consideration in careful examination of this matter of alignment. If I had a paper, I could illustrate that. It is perfectly clear that this circle, which we may divide into four divisions; now, if the line of the type is from left to right, as I have described here, then a type bar that hangs on the lower part of the basket at the base would be more likely to have a variation in alignment from right to left, because of the fact that the swinging of the bar would be from left to right. If the character is attached on a parallel line, the swinging of the bar would affect the alignment in a vertical position, so that the effect on the alignment would depend upon the position in the basket of the particular character.

Q. That loosening of the joint may go on from natural wear or it may be accelerated by dust and oil that tends to cut away the metal joint?—A. Yes.

Q. And cut it more or less rapidly as care or want of care is taken of the machine?—A. That is true.

Q. The defects in the machine, whatever they are, the result of the letter striking to the left and right of a vertical line to the line of alignment, would be probably the result of wear in the joint of the type bar, would it not?—A. I think very frequently the cause of that in the Smith machine is in these conflicts of the bars with each other; that is, they become bent as struck very rapidly and hard. Then that bar until it was readjusted would print abnormally every time.

Q. Abnormally in whatever direction the bend happened to go?—A. Yes; and both of these things affect the alignment. That which you describe is one of the distinctions that different typewriters make in describing their machine, or advertising their machine, as to the permanency of the alignment, is the proportion of the bearing to the type bar, to the length of the bar. Some of the manufacturers of machines claim the bar is so long that the slight wear would not affect the bar at the printing point, which of course is perfectly true.

Q. The fulcrum there is put nearer to the joint?—A. No. The bearing has two points of contact, and there are machines that have a bearing only three-fourths of an inch line. This bearing on the Smith machine—the Smith machine has a bearing that is not adjust-

able, but I recollect now it has a long bearing, so that there are two points of contact, but not adjustable for each on a type bar. The Remington machine has a type adjustment for each bar so that this wear could be taken up, but the Smith machine has a long bar, minimizing the exact effect you describe, so that the little wear would not affect the letter so much as it would in the short one.

Q. I understand in making a new machine the type is pressed by power into a matrix or into an opening into the end of a bar, that is pressed by machinery. If there should be any inaccuracy in adjustment as it is being pressed into place, would that not remain permanent?—A. It would. An illustration of that fact is shown in the fact already referred to in my pamphlet, in which the letter "i" and the figure "2" appear in which there is irregularity in the line which was a fundamental defect in those letters, as of course in natural size it is very small. These letters are made cold, that is, the cold metal pressed into the matrix; sometimes that does not quite fill, and the result is sawteeth in the edge of the letter. If it is not pronounced the inspectors do not throw it out. In a brand-new machine with quite a number of such defects it would of course tend to identify it in a very pronounced manner.

Q. You would say of a typewriter, then, that from the time of its purchase and actual use it is in the process of dying?—A. It is in the process of dying and wearing out, and that process tends to individualize it in a continuous manner.

Q. Like any rickety man?—A. Yes, sir.

By Mr. OLMSTED:

Q. Mr. Osborn, I forgot to ask you one question. I think I forgot to ask you about the envelope. There is an envelope addressed to Senator Frank Edinborough, Bay City, Mich., in which the New Willard letter was inclosed. Have yon examined the typewriting in which that letter was addressed?—A. I have.

Q. Will you state whether or not that was written on the same machine as the letter itself?—A. In my opinion it is.

Q. And the exhibits "C 1" to "C 4?"—A. The same.

Q. And the typewriting on the telegraph blank?—A. Yes, sir.

Q. I will now hand you a letter addressed to the Detroit Free Press, Washington, D. C., and the New Willard envelope, being the one in which the New Willard letter was inclosed; you have seen them, I think?—A. I have.

Q. Can you say whether that was on the same typewriter?—A. In my opinion it was the same typewriter, although I would say in regard to that the certainty, positive character of conclusion would not be so forcible as in connection with these larger documents, because we have comparatively few characters, but there are enough to indicate that it is the same machine.

Q. Then your judgment is that it is the same machine?—A. The same machine.

Mr. OLMSTED. I would like to ask Mr. Carvalho, have you studied those envelopes?

Mr. CARVALHO. I have, sir.

Mr. OLMSTED. Will you say the typewritten addresses on these envelopes were or were not written on the same typewriting machine as the New Willard letter and the Postal Telegraph matter there and Exhibits "C 1, 2, 3, and 4?"

Mr. CARVALHO. Unquestionably were written on the same typewriting machine.

Mr. OLMSTED. On the same type of typewriting machine?

Mr. CARVALHO. On the same typewriting machine; same identical machine.

Mr. OLMSTED. Mr. Kinsley, have you examined those envelopes in connection with the other papers?

Mr. KINSLEY. I have.

Mr. OLMSTED. Will you state whether or not they were in your judgment written on the same typewriting machine as the Postal telegram communication and the New Willard letter and Exhibits "C 1, 2, 3, and 4?"

Mr. KINSLEY. In my opinion they were.

Senator THURSTON. I would like the committee to ask the witness one or two questions. I have not time to prepare them. I will state them to the committee.

The CHAIRMAN. Mr. Thurston would like to submit to the committee some questions to be asked by you.

Senator THURSTON. The witness, I think, has stated some abnormal characteristics of the "v" and "n" in these different writings. Now, on line 1 of this document I find one "v" in conjunction with some "n's." In the next to the last line I find two "v's" in connection with the two "ns," and there is another "v" in here somewheres, and in the line beginning with "diving type" there is also a "v." I would like to have the committee ask the witness to examine these and see whether he finds the abnormal characteristics in these "v's" and these "n's" that he has testified to in the other papers.

TESTIMONY OF ALBERT S. OSBORN—Resumed.

The CHAIRMAN. Can you identify those in any way [handing witness document numbered No. 109]. I will ask you to examine it and state whether you wish to examine it under instruments.

Senator THURSTON. The "v's" and "n's"—I will point to you where they are. Here is a "v" and an "n," there "diving type." There is also a "v," down here are two "v's" in connection with "n's."

A. I should say two "v's" in the next to the last line on the paper handed to me are heavier than the two "n's" that precede it.

Senator THURSTON. I want to know whether you found any of the distinguishing imperfections in the "v's" and "n's" that you have found in the other documents, and if you can not answer that at once, I would be very glad to have you examine that typewriting and testify after a careful examination.

Mr. STEVENS. Did I hear that you wanted the letter "v?"

Senator THURSTON. Yes.

The WITNESS. Yes, the "v" and "n."

The CHAIRMAN. The witness who testified as to writing most of these questions and as to the machines that were used stated while on the stand that he was not certain whether the originals of any of these carbon sheets were preserved, but that they were written probably in the neighborhood of some five or six weeks ago. He was asked to make search and see if he had any of them, and the witness

has very kindly presented to the chairman of the committee two original sheets of which the carbon copies have been in evidence. The one original sheet which we will mark Exhibit 107 is the first page of questions propounded to be asked of Mr. E. W. Creecy, Mr. F. P. B. Sands, and Dr. W. R. Kerr, and is stated by him to have been written upon the L. C. Smith typewriter. The other is the original of page 4 of the series of questions to be propounded to Mr. Spear and will be marked Exhibit 108, and is stated to be a sample of the Smith Premier work when they were originally made.

I will ask this witness (Mr. Osborn) to also examine these two sheets and be prepared to tell us on Monday morning in reference to these whether there is any reason to doubt the witness's statement whether they were written on those two kinds of machines.

Senator THURSTON. Well, I only spoke about the " v's " and "n's." I would like for my own satisfaction to have the witness carefully examine and be prepared to state his opinion as to whether or not this sheet was written on the same identical typewriter with the others that he has testified about, taking all the writing into consideration.

The CHAIRMAN. We will be glad to have the witness do so.

The WITNESS. You do not want me to say it now?

The CHAIRMAN. Take the time that is sufficient to do it.

JOHN M. THURSTON—Recalled.

By Mr. OLMSTED:

Q. I show you letter dated March 19, 1908, addressed " Mr. Chairman " and signed " George L. Lilley," and ask you whether or not it was prepared or dictated by you?—A. You showed me this letter a moment since and I ran it over. The substance of that letter was undoubtedly dictated by me. All the dictations I made have been referred to in the testimony, and were dictated by me to Mr. Neff. I never saw any of them after they were run on the typewriter, and it would be impossible for me to say whether or not any changes had not been made in my dictation, but generally speaking they were those, my dictation.

Q. And this is substantially your dictation?—A. Substantially my dictation.

The CHAIRMAN. The committee will take a recess until 11 o'clock on Monday morning.

(Thereupon the committee adjourned until 11 o'clock a. m., Monday morning, April 20, 1908.)

HEARING UNDER HOUSE RESOLUTION 288.

SELECT COMMITTEE UNDER H. RES. 288,
HOUSE OF REPRESENTATIVES,
Washington, D. C., April 20, 1908.

The committee met at 11.30 o'clock a. m.

All the members of the committee were present.

The CHAIRMAN. The committee will be in order.

One of the witnesses who was subpœnaed for to-day has telephoned one of the members of the committee that for special reasons he would like to be heard as early as possible. I will call Mr. Flint.

TESTIMONY OF CHARLES R. FLINT.

CHARLES R. FLINT, being first duly sworn, upon being examined, testified as follows:

The CHAIRMAN. The gentleman who has handed up this document; you will describe this, please.

Mr. SNYDER. They are described there as questions. Mr. Flint, the witness, requests of the committee during the course of the examination to allow him to answer certain questions.

The CHAIRMAN. Your name, please.

Mr. SNYDER. J. Frank Snyder.

The CHAIRMAN. You appear as counsel?

Mr. SNYDER. For Mr. Flint.

By Mr. STEVENS:

Q. What is your name, residence, and occupation?—A. Charles R. Flint; residence, 4 East Thirty-sixth street, New York; business, merchant, and interested in manufacture and railways.

Q. Did you ever have any connection with the manufacture or sale of submarine boats for use for naval purposes?—A. Yes, sir; I have had connection with the negotiating of sales of submarine boats.

Q. In what way and for whom?—A. I have sold submarines in Europe to governments there.

Q. How long ago did that connection begin, and when has it terminated, if it has terminated?—A. It began early in 1904 and the relation has not terminated.

Q. What connection have you had, if any, with the United States business of the Lake Torpedo Boat Company?—A. None whatever.

Q. Have you ever attempted to sell or assist in the sale of their boats to the United States?—A. No.

Q. Your business has been confined to the European business of the Lake Torpedo Boat Company?—A. To foreign business; I have negotiated sales in Latin America and also in the East, in China.

Q. Have you been their exclusive foreign agent?—A. I think not. I think that we have been their principal agent, and the only sales

which they have made have been made by us; and I think they have conducted some other negotiations through other parties at points where we did not have special facilities.

Q. With what officer of the Lake Torpedo Boat Company has your business relations been conducted?—A. With the president, Mr. Lake.

Q. Which Mr. Lake?—A. With Mr. Simon Lake, and with the treasurer, Mr. Miller.

Q. Are you acquainted with the officers of the Lake Torpedo Boat Company?—A. I have met them.

Q. Do you know Mr. J. C. Lake?—A. I have met him, but I have never transacted any business with him.

Q. Are you a stockholder or director of the Lake Torpedo Boat Company?—A. No.

Q. Are you acquainted with the Electric Boat Company of New Jersey, which manufactures submarine boats?—A. I have met Mr. Rice, but I have never met any other officer of the company, except that I have met Mr. Vickers, of London, and Mr. Saharoff, of Paris.

Q. Are they connected with the company?—A. I understand that they control the company. I understand that the company is controlled by Vickers-Maxim, of London, but I have no positive knowledge.

Q. I want to know the basis of your understanding.—A. It has been reported by my agent, my associate, Mr. Berg, in Europe, and I have heard it a number of ways, but I have no positive knowledge.

Q. In what way did your report come from Mr. Berg?—A. In connection with European negotiations. He informed me that the Electric Boat Company was controlled by Vickers-Maxim.

Q. By letter or verbal report?—A. Oral.

Q. Is that all the information you have from abroad concerning this matter?—A. That is all.

Q. What information have you from this country concerning that matter?—A. I haven't any positive information except that I understood from Mr. Rice that they were very largely interested. I think I mentioned to him that I understood that they controlled the Electric Boat Company, but he did not deny the fact; he indicated to me that he fully represented them and that whatever he recommended he thought would be adopted by Vickers-Maxim.

Q. Your only information, then, concerning this that you have obtained in this country comes from Mr. Rice?—A. Yes.

Q. You are positive that you have no other information?—A. No; I do not remember any other.

Q. Now, when did Mr. Rice tell you this?—A. When I called on him about a year ago.

Q. What was the occasion of your call upon Mr. Rice a year ago?—A. Mr. Browne had initiated the idea of some arrangement being made between the Electric Boat Company and the United States Lake Company, and the idea appealed to me that it might be wise particularly owing to the fact that there was much patent litigation in Congress and I was desirous, being interested in the foreign business, that some arrangement should be made whereby the submarines could be developed without the limitations existing owing to the patents owned by different parties or patents covering different

points or owing to a conflict of patents, and I was particularly interested in the matter, owing to the fact that I wanted the best submarine boat to be developed without patent restrictions, that it would enable me to compete more successfully with the boats built in Europe. I also understood in the event of any arrangement being made that I might personally profit thereby.

Q. Who is the Mr. Browne that you refer to in your answer?—A. Mr. Grant Hugh Browne. He has been referred to as Hugh Grant Browne, I understand, but his correct name is Grant Hugh Browne.

Q. What connection has he with either one of these companies?—A. None that I know of.

Q. In what way did he come to confer with you about this matter?—A. Mr. Browne is a promoter, and he thought he saw an opportunity to make a profit, and as Mr. Browne had acted for me in some business in Europe and as he explained to me that he did not know anyone connected with the Lake Company, he came to me for our good offices, feeling that I might assist in the way of promotion out of which he could make a good profit.

Q. Did he inform you at that time that he came to you from or on behalf of the Electric Boat Company?—A. No.

Q. Where did you first meet Mr. Browne?—A. I employed Mr. Browne at a time when I was negotiating on behalf of the United States Government for foreign war vessels at the time that we were preparing for war with Spain.

Q. Are you the Mr. Flint who made the purchases of the vessels?—A. I conducted the negotiations and Mr. Browne acted for me in certain matters in connection with those negotiations.

Q. Now, when did Mr. Browne come to you concerning this submarine matter?—A. He came to me about a year ago.

Q. That was about the 1st of May, 1907?—A. I do not remember the date, but it was prior to the Newport trials.

Q. The Newport trials began the 1st of May, 1907?—A. It was prior to those trials.

Q. Where did he first meet you with reference to this matter?—A. He came to my office.

Q. At New York?—A. At New York.

Q. Where is that?—A. 25 Broad street.

Q. What did Mr. Browne say to you at that time?—A. He indicated to me that he thought there was an opportunity to make arrangements that would be profitable and said that he would like to take it up as a promoter, and I told him that I was well acquainted with Mr. Simon Lake, and that I would be glad to facilitate the transaction.

Q. Did he claim to represent either party at that time?—A. No.

Q. What did you do?—A. I saw Mr. Lake and told him that Mr. Browne had come to me with this suggestion, and suggested the idea that some proposition might be forthcoming that might be interesting to him.

Q. What did you tell Mr. Lake at that time, so far as you can recall?—A. I said that I told him that Mr. Browne had suggested these negotiations, and that it seemed to me that no harm could result from his considering the proposition from the Electric Boat Company.

Q. Had you conferred with Mr. Rice prior to this time?—A. No.

Q. Which Mr. Lake was this?—A. Mr. Simon Lake.

Q. Where was this conversation?—A. In New York.

Q. Did you seek to encourage Mr. Lake's acceptance of some proposition toward this consolidation?—A. I encouraged the idea of negotiations.

Q. What was your argument?—A. My argument was that a conflict of patents would be avoided, and that he, as an inventor, would be able to work out the best submarine and be unembarrassed from patents, which were possessed by the Electric Boat Company.

Q. You are confident that you pointed out the advantage of consolidating the patent interests?—A. I am.

Q. Did you speak to him concerning any advantages in selling his boat to the United States Government?—A. No; I had no interest in that.

Q. Did you call to his attention that he had not been successful in selling boats to the Government of the United States?—A. That was manifest, and I may have referred to it. I don't remember, but it would be quite natural to have done so.

Q. You have had rather intimate acquaintance with the officers of the Navy Department who buy and use and construct boats, haven't you—with the United States Navy?—A. No; I have not been in the Department since I talked about the negotiations I have referred to prior to the war with Spain.

Q. So that you may have encouraged Mr. Lake's desire to consent to this consolidation by referring to his lack of success in dealing with the United States?—A. Yes, sir.

Q. What prices or terms did you name to Mr. Lake at that time?—A. I don't remember. I know that there was no serious basis; it did not get to the point of real business; it only reached the stage of preliminary talk.

Q. Did not you name any terms at all?—A. I don't remember that I did. Possibly the terms may have been talked of, and I would have remembered if it had got to the point where there was any real business, but it was in a nebulous stage of general talk—it was in the promotion stage.

Q. Don't you recollect naming some figure to Mr. Lake that you thought ought to be the basis of any consideration?—A. No; I don't remember it. It did not get to the point where terms were being seriously considered. It was simply in the early promotion stage and never reached beyond it.

Q. So that if Mr. Lake has a recollection that terms were named, who do you think would be apt to be mistaken about it?—A. I think he would be more likely to remember it than I. I have very many different interests, and I am not in the way of remembering conversations so far removed from business as that promotion talk was.

Q. When the conversation with Mr. Lake was over, did you go to Mr. Rice about it?—A. I don't remember whether I saw Mr. Rice a second time or not; I may have.

Q. What was the first time you saw him about this?—A. As I have stated, it was after I had been approached by Mr. Browne, and it was before the Newport trials.

Q. Did you report to Mr. Browne the result of your interview with Mr. Lake?—A. I think so.

Q. What was your report?—A. I told him that I had presented the matter to Mr. Lake, the general idea, but that Mr. Lake was—that it did not look to me as though business was likely to result.

Q. Did you recommend or agree that Mr. Browne should consult with Mr. Rice about the matter?—A. It was not natural or necessary. Mr. Browne had initiated these negotiations. He was talking with Mr. Rice. There was no reason for any restriction or suggestion on my part.

Q. What did Mr. Browne tell you concerning any conferences he had had with Mr. Rice at that time?—A. I don't remember, but my general impression is that after Mr. Browne had had a number of conferences he felt that there was little prospect of business.

Q. That was in April, 1907?—A. That was just prior or some weeks prior to the Newport trials.

Q. Do you recollect whether you had any interview with Mr. Rice prior to the Newport trials of 1907?—A. Oh, yes. I saw Mr. Rice a number of times in 1904, and I asked him whether he would name a price at which he would dispose of submarines. And I saw him several times for the purpose of purchasing submarines—of Mr. Rice or from his company.

Q. That is, you were desiring, as a merchant, to purchase submarines to sell?—A. Yes, sir.

Q. You were not attempting to negotiate a consolidation at that time?—A. At that time, no. Then I met Mr. Rice in St. Petersburg; we were stopping at the same hotel, and I had some conversation with him there.

Q. Relative to consolidation?—A. I don't remember. Whatever the conversation was, it was not serious. There was no serious negotiation.

Q. Do you recollet whether or not you had had any conversation with him here concerning consolidation of the two companies?—A. I do not remember.

Q. When was that?—A. 1905 and 1906—but I think 1905.

Q. Did anything result from that conversation?—A. Nothing whatever.

Q. And nothing resulted from the conversation or conference with Mr. Browne in April, 1907?—A. Nothing whatever.

Q. What next occurred concerning this attempt at consolidation?—A. Mr. Browne came to me again last month.

Q. That was March, 1908?—A. March, 1908.

Q. Where did he meet you?—A. He came to my office.

Q. What did he say?—A. He said he thought that there might be an opportunity of bringing about some trade, and wanted to know whether I would again facilitate the business, owing to my acquaintance with Mr. Simon Lake.

Q. Did he say he had any basis for negotiation?—A. No. He indicated again that as a promoter he would like to open up negotiations.

Q. Do you know whether or not any negotiations were had immediately after the Newport trials? You know when the Newport trials closed?—A. Yes; I remember in general.

Q. Do you recall any negotiations immediately after the Newport trials?—A. I do not remember, but I can say positively that there were no serious negotiations. There may have been some talk, but there was not any serious negotiation.

Q. Then what occurred in March, when Mr. Browne came to you the second time, as you recollect?—A. I told Mr. Browne that I

would be very glad to see Mr. Simon Lake, and I was in the way of meeting Mr. Lake frequently from the fact that we were receiving cables and memoranda from Europe which it was necessary that I communicate to Mr. Lake, so I told Mr. Browne that I was in the way of seeing Mr. Lake frequently and that I would be very glad to bring the matter to Mr. Lake's attention.

Q. Did Mr. Browne inform you then that he represented the Electric Boat Company or Mr. Rice in these negotiations?—A. No; he led me to understand that he had very good relations with Mr. Rice, and he made the usual advances that promoters make under those circumstances.

Q. Did he state that he had any authority to represent Mr. Rice or anybody else in connection with these negotiations?—A. No; not in specific terms. That might have been drawn from his remarks, but I never regarded him as the authorized agent of Mr. Rice or the Electric Boat Company.

Q Did you seek to find out whether he represented anything?—A. No. The negotiations never got to the stage where I regarded them as serious. It was simply the endeavors of a promoter to make a commission, and it never reached the real business stage.

Q. Did you reach the stage of fixing the terms or figures concerning the consolidation?—A. No.

Q. At this conversation?—A. No.

Q. Did you approach Mr. Lake as a result of this conversation with Mr. Browne?—A. Yes; I saw Mr. Lake, and I told him that Mr. Browne had seen me; that apparently from what Mr. Browne had said there was a disposition on the part of Mr. Rice to make some proposition.

Q. Where did you see Mr. Lake, and when?—A. I was in the way of meeting Mr. Lake frequently. I was receiving cables from Russia; they were very desirous that Mr. Lake should return to St. Petersburg, and they were asking for information, and so I was in the way of communicating with Mr. Lake very frequently in regard to foreign business, and also in regard to business at other points. And I met him, I remember, I met him on one occasion up at the Engineer's Club—on two occasions.

Q. Did you confer there with him about this matter?—A. Yes.

Q. What did you inform him?—A. I told him that Mr. Browne had come to me at my office and had said that he had seen Mr. Rice and that there was a desired opportunity to do business; that I had not any special knowledge, but that Mr. Browne felt that some business could be brought about that would be mutually advantageous.

Q. Did you inform him that Mr. Browne represented Mr. Rice?—A. No; except so far as Mr. Browne might represent a man in negotiations. But I certainly did not inform him that Mr. Browne was Mr. Rice's agent, because Mr. Browne was in the position of a promoter, looking for an opportunity to capitalize his ability as a negotiator.

Q. Did you meet Mr. Lake at this time in the way of an appointment, or meet him casually, or meet on some other business, and you then talked about this?—A. I met on other business. There was probably some prearrangement made. I think there was some arrangement made with him, probably by phone.

Q. Made where?—A. Made at the Engineers' Club.

Q. To meet where?—A. To meet at the Engineers' Club.

Q. To discuss this business?—A. I don't remember; probably it was discussed then, and other business. As I have explained, I had many communications from Europe in the form of memorandums or letters or cables, so that at this time I was in the way of presenting considerable business to Mr. Lake in connection with foreign orders and business.

Q. You telephoned him from where?—A. From my office.

Q. Where did you reach him by telephone?—A. At the Engineers' Club, I think.

Q. What did you say to him over that telephone, as you recollect?—A. I do not remember.

Q. Can not you remember any part of the conversation?—A. No.

Q. Was there anything out of the ordinary in the conversation that you had with him over the telephone?—A. I don't think so; anything more than making an appointment. I do not remember anything further.

Q. Do you recall his talk at that time with you over the telephone?—A. Yes, sir.

Q. You recognized his voice?—A. I think so. I have not a clear memory in regard to it.

Q. Would you not recall if you had had at that time an extended conversation over the telephone over other matters?—A. If the matters were very important, I might.

Q. Now, just search your recollection and inform the committee as far as you can the subject of the conversation over the telephone at that time in making the appointment with Mr. Simon Lake.—A. I do not remember it.

Q. So, if Mr. Lake's recollection differs from yours as to what occurred in the telephonic communication, might you or he be mistaken about it?—A. I think he would be much more likely to remember it than I.

Q. Do you recollect whether at that time you talked with him about this investigation?—A. No, I do not remember.

Q. Might you not have talked with him about this investigation over the telephone?—A. It would be very unlikely, for the reason that I had no interest in it and no relation to it whatsoever.

Q. So that to the best of your recollection no such telephone conversation occurred at that time?—A. Yes, sir.

Q. You met him, then, at the Engineers' Club, pursuant to this agreement?—A. Yes, sir.

Q. What time of day was your meeting?—A. I do not remember just the time of day, but I suppose it was rather early in the afternoon.

Q. Do you recall the day?—A. No, sir.

Q. The day of the month or of the week?—A. No.

Q. Now, what was your conversation there with Mr. Lake concerning this matter?—A. I told Mr. Lake that Mr. Browne had called on me at my office and that I thought he had seen Mr. Rice, of the Electric Company, and that he felt that some arrangement could be made that would be mutually advantageous, and I probably communicated to Mr. Lake that it would be desirable to pursue the matter to find whether there was any real business in it.

Q. Was that all your conversation?—A. No. Mr. Berg was with me, and we spent a long time going over communications from Europe and in talking about our foreign business.

Q. That did not concern this matter at all?—A. No, sir; not at all.

Q. What I am seeking to find out is your conversation concerning this matter?—A. I remember that there was a communication between Mr. Browne and myself by telephone at that time at the Engineers' Club, and Mr. Browne called me up—he knew that I was going to the Engineers' Club—and he wanted to further his promotion ideas, and he asked me if Mr. Lake and myself would meet Mr. Rice and another officer of the company, I think his name is Frost, and I told him over the phone that I would be very glad to see Mr. Rice and Mr. Frost if they would come to my residence. He apparently consulted Mr. Rice, and Mr. Rice suggested a meeting at the St. Regis Hotel. I immediately telephoned that I would not meet Mr. Rice at the St. Regis, or any other hotel, or any other place; that if he wanted to talk business with me he could come to my house.

Q. Where did Mr. Browne say that he was at the time this telephonic communication was going on?—A. I do not remember, but I am under the impression that he was at the office of the Electric Boat Company.

Q. Did he state that he was?—A. I do not remember, but my impression that he was, and that Mr. Rice was present, because when I refused to go to the hotel, I know that he gave me an immediate answer, indicating that Mr. Rice must have been within hearing distance.

Q. In what way did you judge that Mr. Rice and Mr. Frost were both with him at that time?—A. It is an impression. I have no positive recollection.

Q. Did you hear by telephone any such conversations or a number of voices so that you could judge from your hearing that other persons were present?—A. Not that I remember.

Q. So that whatever impression you got you got from his telling you?—A. From Mr. Browne.

Q. Did he tell you who was with him at the time?—A. Not that I remember, but I am satisfied that Mr. Rice was in the room with him.

Q. Why did you judge that they were present at the office of Mr. Rice?—A. I may be confused, owing to the fact that I have heard since that Mr. Browne was at his office, and I may be confused as to whether I knew it at the time or whether it has been on account of previous information, but I know that they were in the same room, and I am satisfied that Mr. Browne was in Mr. Rice's office, but whether I knew it at the time or whether I learned it since, I do not know.

Q. But you did not know at that time who else was there?—A. No.

Q. Have you since learned that any other persons were there?—A. No.

Q. What other conversation did you have at that time over the telephone concerning this matter of negotiations? Were the terms considered?—A. No.

Q. What else was said?—A. I do not remember. I think that Mr. Browne remarked at some point—he talked of millions, but there was no talk of any real money; it was "capitalized hopes," but it never got to the point of real business.

Q. Did not you talk about issuing stock, or bonds, or something?—A. Mr. Browne talked about it; I do not know as to what was said

about that, but Mr. Browne as a promoter—it was up to him to make suggestions.

Q. Did he make suggestions at that time in that telephonic conversation?—A. I do not think so. It would not have been natural for a man to have made suggestions over the phone. But I know suggestions were made. I remember that Mr. Browne saw me afterwards and I remember of his talking millions in some form.

Q. But that was afterwards?—A. Yes; I think so. I think that Mr. Browne came to my house and, after the manner of an intelligent promoter, he was suggesting a plan, and in that connection I remember the mention of large figures of preferred and common stock, but it never reached the stage where it came anywhere near real business. I did not consider the matter as being very serious. For instance, I would not have gone to Mr. Lake about the matter if I had not had other business with him; and having other business and being desirous of accommodating Mr. Browne, I was very glad to talk in general terms on the subject.

Q. At that time, at the time of this conversation with Mr. Browne, was the subject of investigation talked over by telephone?—A. Not that I remember.

Q. You have said, if I recall, that at the previous conversation nothing was said about this investigation. Now, at this telephonic conversation nothing was said?—A. Not that I remember.

Q. Now, when next after that did you meet Mr. Lake? What was that conversation at that time concerning this consolidation?—A. There was a talk in general terms in which I stated that Mr. Browne had initiated negotiations, and I told Mr. Lake that I had refused to call on Mr. Rice and Mr. Frost, but I said that I would see them at my house, and I think I said to Mr. Browne that he could come to my house, which he did.

Q. Did you state to Mr. Lake any terms in regard to consolidation at that time?—A. There was nothing serious; there may have been some talk, but I do not remember anything special. I know there was no specific proposition. It was not a treating that was close to business; it was simply in a nebulous state, in the form of a general conversation.

Q. You did not get down to talking a million or a million and a half or any specific sum?—A. Not that I remember.

Q. As a basis of negotiation?—A. No.

Q. Now, at that conversation with Mr. Lake what did you tell him about what the Electric Company or Mr. Browne had said to you concerning this investigation?—A. I do not remember. There was no serious talk in regard to it. I never had any relations with the United States business. I had no interest in it.

Q. You have had two conversations with Mr. Browne; now, have you had previous to this any conversation with Mr. Rice, I mean in March, up to this time any conversation with Mr. Rice in relation to this?—A. None whatever. My attention was called that Mr. Rice in his testimony, in the testimony of Mr. Rice, my attention is called to a statement. I made a note of it.

Q. We can furnish it to you if you wish.—A. I have it here. "Finally, Mr. Flint told me the proposition about the forming of a new company, that he had consulted with Mr. Lake." I did not see Mr. Rice; I had no meeting with him whatsoever.

figures adopted by the various parties, you would remember it, would you not?—A. Mr. Browne might have talked on the subject.

Q. Can you not remember anything said about it?—A. No.

Q. Or anything that you said about it?—A. No; but Mr. Browne may have talked on the subject, but it was natural that the matter should have been referred to; but as I stated, I had no interest in the investigation—had no interest in the United States business—and after talking with Mr. Lake I made up my mind that there was not a ghost of a show in getting Mr. Lake on a business basis where anything could be accomplished, and I so told Mr. Browne, and Mr. Browne in this particular transaction had everything to gain and nothing to lose and he was as persistent as prompters generally are.

Q. Then you and Mr. Browne in your negotiations up to this time had not discussed this investigation or any part of this investigation or any influence that it might exert upon these negotiations?—A. There was no serious discussion, there was no serious business, it never reached the stage, it was simply a talk of generalities, and it was nothing that would fix itself on the mind of a man of business who has got a great many operations to look after and attend to.

Q. Now, after Mr. Browne called on you at your house, when did you next interview Mr. Simon Lake about this matter?—A. I do not remember when I saw him again, but I do remember that there was a meeting at the Engineers' Club. I remember lunching at the Engineers' Club on Friday, the 20th. I remember it because I had to leave early to attend a dinner in Philadelphia, and Mr. Berg was there and that was on Friday, the 20th.

Q. Friday, the 20th of March?—A. Of March.

Q. Now you say Mr. Simon Lake was there at the time?—A. Yes; we lunched together.

Q. And that time after this conversation with Mr. Browne at your house that you have just referred to?—A. Yes, sir.

Q. Now what did you tell Mr. Simon Lake at that time concerning the talk which you had with Mr. Browne, and the negotiations up to this point?—A. I told Mr. Lake that Mr. Browne had called on me at my house, but I told him I did not believe that there was any serious business and that it would be a waste of time to talk about it and we immediately took up our foreign business which is very extensive and very important.

Q. Did you not confer with Mr. Lake or submit to Mr. Lake at that time some figures as a basis of negotiation?—A. Not that I remember.

Q. Or the proposition that the Electric Boat Company would give $1,000,000 of preferred stock and $2,000,000 in common stock if the Lake Company would turn the United States right over to the Electric Company?—A. I am positive that I did not submit at any time any proposition. There was no serious proposition, there was no basis, I had no proposition before me that I could present seriously.

Q. This is a matter of considerable importance, and if you had presented a proposition in that concrete form, you would have remembered it.—A. It was not of importance to me. I was not in any way interested in the United States company and the only condition under which I might have been interested would have been in the event of the successful termination or successful negotiation. I

found that there was not the slightest chance. I did not think there was the slightest chance of business, and therefore it was not of interest to me. It might have been of interest to other people, but it was not to me.

Q. Now, this basis for negotiation, if you had any, must have come from Mr. Browne to you?—A. Yes.

Q. And if it came from Mr. Browne it would have come to you at the time of his coming to your house?—A. It certainly would have been referred to at that time.

Q. Do you not recall that he did give you some basis of negotia tion such as I have outlined to you?—A. I remember Mr. Browne talking figures, talked about the figures, but it was in a nebulous stage, where I did not give serious thought to it from the fact that I had no interest and I did not think there was one chance in a million that I ever would have in that connection.

Q. So that you do not recall that Mr. Browne made any such statement to you as a basis?—A. He may have suggested some basis, but I never regarded his talk seriously, because I never understood that he was in a position to make any proposition.

Q. Did you submit then any proposition to Mr. Simon Lake such as I have outlined to you, that the Electric Boat Company would give $1,000,000 in preferred stock and $2,000,000 in common stock if the Lake Company would turn over their United States rights?—A. I certainly did not submit the proposition.

Q. To Mr. Lake?—A. No. Not to anyone. I never was in a position to submit a proposition.

Q. Did you submit a proposition such as I have outlined, that the Electric Boat Company would give $1,000,000 in preferred stock and $2,000,000 in common stock if the Lake Company would turn over their United States patent rights to the Electric Boat Company, and use whatever influence the Lake Company might have to stop this investigation?—A. My previous answer covers that. I did not submit any proposition; I never had any serious proposition presented to me.

Q. Are you acquainted to any extent with the public men in Washington in the Senate and House of Representatives?—A. I am acquainted, yes.

Q. Are you acquainted with the Senators from Connecticut?—A. No.

Q. Have you ever met Senator Bulkeley?—A. No.

Q. Do you recall at any conversation with Mr. Browne or with Mr. Lake mentioning the name of Senator Bulkeley in connection with this investigation?—A. No.

Q. If you had made any such reference, you would remember it, would you not?—A. I do not know whether I would, no; I do not know whether I would have remembered it. But I am satisfied that I never heard his name.

Q. If the name had been mentioned to you as a part of these negotiations and as a part of this negotiation to be used toward stopping this investigation?—A. Of course I would have remembered it.

Q. And no such recollection comes to you?—A. No; I am certain that the Senator's name was never mentioned in any such connection.

Q. Was this the last conversation you had with Mr. Simon Lake in reference to this consolidation?—A. It is the last that I remember.

gineers' Club was that, 'The Electric Boat Company would give $1,000,000 in preferred stock and $2,000,000 in common stock if I would turn our United States rights over to them, and use whatever influence we might have to stop the investigation.' Did you make this proposition to Mr. Lake?"—A. I have already covered that in previous testimony.

Q. You have nothing further to add to that?—A. No.

Q. Just make the categorical answer; the committee wishes to have it.—A. No.

7. "Had you authority from the Electric Boat Company to submit such a proposition to Mr. Simon Lake, the Lake Torpedo Boat Company, or to anyone else?"—A. No.

8. "Have you in any manner done anything to hinder, delay, or stop this investigation?"—A. No.

The CHAIRMAN. Mr. Olmsted, do you wish to ask the witness any questions?

By Mr. OLMSTED:

Q. Mr. Flint, referring to this question, "Did you, in your conversation with Mr. Lake, use the expression 'They want peace and plenty of it.' " You said what you have previously stated covered that. I do not remember that you said anything about "peace and plenty of it."—A. No; I obtained that from Mr. Lake's testimony.

Q. But you have not answered yet whether or not you used that expression.—A. I have already covered that.

Q. Will you kindly answer?—A. I do not remember the use of that expression. Of course that would be quite a natural expression for a promoter to use. I suppose that must have been given by Mr. Browne.

Q. I will read the question again, suggested by your counsel: "Did you, in your conversation with Mr. Lake, use the expression 'They want peace and plenty of it?' "—A. I don't remember.

Q. Do you say you do not remember whether you did or not?—A. I do not remember whether I did or not. I saw the expression in Mr. Lake's testimony. I do not remember using the expression.

Q. If you did use it, then what you have already testified to about the conversation would be hardly in accord with the facts. I would like you to state whether you did or did not use the expression "peace and plenty of it."—A. I do not remember using it, but I do not see—if the expression was used I do not see that it in any way influences or affects the statements I have made.

Q. If you did use it, then your testimony here to the effect that the investigation was not discussed over the telephone would not be true?—A. The use of that expression, "They want peace and lots of it," does not mean that there was a discussion in regard to the investigation. That might have referred to many different things. Certainly I do not remember anything over the telephone about the investigation. They might have wanted peace in libel suits, or patents, or peace in competition in Europe, and they might have wanted peace in many different directions.

Q. They might, but what did they say to you they wanted peace for?—A. They did not say.

Q. Then what did you say they wanted peace in?—A. They did not say. They might have spelled it "p-i-e-c-e."

Q. They wanted a piece?—A. Yes; and lots of it.

Q. What would that refer to?—A. That probably would refer to the profits and stock.

Q. Whose stock or whose profits would it refer to?—A. I don't know; that is only a supposition.

Q. Now, I wish you would state whether you did or did not use that expression.—A. I don't remember.

Q. Don't you think you would be likely to remember?—A. No.

Q. You have stated here that the investigation was not discussed.—A. I have stated that it was only referred to in a very general way. I had no interest in it.

Q. I am not asking you about your interest in it. We want to know what you said about it.—A. I don't remember.

Q. This is only about a couple of weeks ago?—A. Yes; but I have a great deal of serious business to attend to, and I am not giving—and I don't remember about business in which I have not any interest and where I do not regard there was any possibility of business for me.

Q. A man would not be very successful in business if he could not remember two weeks.—A. A man, in my judgment, if successful in his business, his success depends upon his ability to know and remember business that is important and not burden his mind with business in which he has no interest.

Q. Then can a man regulate his memory so as to remember certain things and forget other things?—A. He can regulate the concentration of his mind on serious business, and he can give no serious thought to business in which he is not interested and there is no possibility of business.

Q. Did you at any time tell anybody that certain parties had said that they were under investigation and that they wanted peace and plenty of it?—A. No. I don't remember making any such statement.

Q. Mr. Flint, when did you first learn that this investigation would be started, or some investigation?—A. I first learned of it by reading in the newspapers about it.

Q. What did you learn about it in that way?—A. I remember seeing a reference to it in a newspaper. I don't remember what reference, but I had no interest in it.

Q. I understand that——A. But I was referred to it in a newspaper.

Q. You are interested in submarine torpedo boat business?—A. I am.

Q. Then anything relating to them would be of some interest for you, wouldn't it?—A. Yes; but all the newspaper articles that come into my office—I have an arrangement with Reinecke or the News Clipping Bureau to send to my office all clippings in regard to submarines. I do not read one-tenth of 1 per cent of the clippings that come in. but this matter attracted my attention in the daily papers.

Q. Did it interest you then?—A. Oh, yes.

Q. I thought you had no interest?—A. When I used the word "interest" in that way, I simply had the casual interest of a newspaper reader.

Q. You had the interest of a man that was interested in the selling of submarine boats?—A. It had a very remote relation to the submarine boat business.

Q. I do not mean that you had any financial interest in it, except that you are in the submarine line, and anything affecting it, even though it did not affect you or your boats, or the other company, would attract your attention.—A. I am interested in thirty other lines more than I am interested in the submarine boat business. Therefore this matter was so remote from my interests that——

Q. Suppose the investigation developed that submarines were utterly useless to any navy; would that interest you?—A. No; not if you came to that conclusion, because I would have the expert opinion of officers in the different navies of the world, and I get my information on the technical side from marine experts.

Q. At all events, you did see something about it in the newspaper?—A. Yes, sir.

Q. Do you remember when that was?—A. No, sir.

Q. Or what paper?—A. No, sir.

Q. Who was present with whom you had any conversation on the subject?—A. I do not remember who it was.

Q. Have you ever had any conversation with anybody on the subject?—A. I suppose so. It probably was referred to by Mr. Berg and myself or somebody.

Q. Who was the last person with whom you had any conversation about it?—A. I think I might have talked with Mr. Snyder about it.

Q. Who else?—A. I have already testified I spoke to Mr. Browne about it.

Q. Who else?—A. I never have had any material conversation with anyone. I have never had any serious conversation with anyone in regard to it.

Q. And you have not talked with any officer of the Electric Boat Company about it?—A. No, sir.

Q. Have you talked with any officer of the Lake Boat Company (Limited) about it?—A. I have not seen any officer of the Lake Torpedo Boat Company for some time, until I met Mr. Lake here, and he introduced me to his lawyer, Senator Thurston.

Q. Which Mr. Lake was that?—A. Mr. Simon Lake.

Q. The president of the company?—A. The president of the company.

Q. When did you meet him here?—A. I met him here about five minutes before the hour appointed for this meeting.

Q. Where did you meet him?—A. In this room.

Q. Did you and Mr. Snyder come to Washington together?—A. No.

Q. When did you get here?—A. I got here Saturday evening; I came on the Congressional Express.

Q. You got here about 8 or 9 o'clock Saturday evening?—A. About 9 o'clock I got to the Arlington Hotel.

Q. You had no conversation with anybody about it on Sunday?—A. I spoke to Mr. Snyder about it; to no one else.

Q. No one else at all on Sunday?—A. No; except I met Senator Aldrich, and I met the diplomatic corps, and I simply said I was going before this committee as bearing on my engagements to-day.

Q. You met Senator who?—A. Senator Aldrich.

Q. I thought you said something about some embassy?—A. Some of the diplomatic corps, and I mentioned incidentally that I was going before this committee as bearing on my engagements for to-day.

Q. Which members of the diplomatic corps did you meet?—A. I met the minister—I saw the minister of Colombia, and met the minister of Peru and talked with members of the Russian embassy.

Q. What members?—A. One of the attachés, I don't remember—I made an appointment for to-day at 12.

Q. You do not remember his name?—A. No.

Q. You will have a little difficulty in filling it, won't you?—A. I have an appointment to meet one of the members whose name I do not remember. It was over the telephone.

Q. You met him over the telephone?—A. I made the appointment over the telephone. But I do not remember the name of the gentleman who spoke to me over the telephone.

Q. Those are the only persons you have mentioned the matter to in Washington?—A. No; I have met Messrs. Hopkins & Hopkins, with whom I have had relations for many years.

Q. Are they attorneys?—A. Yes.

Q. What did they say about this investigation?—A. They did not say anything specially about it.

Q. What did they say generally about it?—A. I told them I was going before this committee, explaining why I was here. But they had no knowledge about it. I had no talk with them.

Q. How do you know they had no knowledge?—A. I mean as far as I know.

Q. For whom are they attorneys?—A. They are attorneys for many corporations in New York that I know of.

Q. Any submarine corporations?—A. None that I know of. But they have represented me in corporations I have been interested in for many years.

Q. Have they ever represented the Electric Boat Company in any way that you know of?—A. Not to my knowledge, and I am satisfied that if they had I would have known it.

Q. Or the Lake Torpedo Boat Company?—A. No; not to my knowledge.

Q. You were about to mention some other person?—A. General Miles.

Q. The General did not know much about submarines or interest himself about them?—A. He did not tell me anything about the subject. I met the Chinese minister. I was talking to him about submarines——

Q. He is pretty well posted on these matters. Did you talk to him about this investigation?—A. No.

Q. What did you say to Senator Aldrich about it?—A. I only mentioned the fact that I was coming here as one of the reasons why I was here in Washington.

Q. What did he say about it?—A. He never made any comment. We were talking on other matters.

Q. Who else have you mentioned it to?—A. I think I have gone through the list.

Q. You did not meet Mr. Simon Lake until this morning?—A. No.

Q. Or Senator Thurston?—A. I never met Senator Thurston until he was introduced to me by Mr. Simon Lake in this room. I never have met him before to my knowledge.

Q. When had you previously met any officer of the Lake Torpedo Boat Company?—A. I think that Mr. J. C. Lake called at my office perhaps a week ago.

Q. The vice-president of the company?—A. I don't know.

Q. You do not know whether he is vice-president of this company?—A. No; I never have had any—my business has been with Mr. Simon Lake.

Q. Had you never previously met Mr. J. C. Lake?—A. I had met him, but my business, being in the foreign business, has been with Mr. Simon Lake.

Q. How did Mr. J. C. Lake happen to call upon you?—A. I do not know. He came into the office, and he asked if there was anything of interest——

Q. By appointment?—A. No, sir.

Q. No arrangement was made by him with you at all previously?—A. No.

Q. About his call?—A. No.

Q. By telegraph?—A. No.

Q. By telephone?—A. No.

Q. By letter?—A. Well, he might have telephoned the office.

Q. What did he say about the investigation?—A. Nothing of any special interest.

Q. He had no interest in it there?—A. He may have. As I understand it, he is interested in the United States business. He inquired in a general way about the foreign business, but he was not in the office over five minutes.

Q. What did he say about the investigation?—A. I do not remember.

Q. That was only a week ago?—A. I know; but it was a matter I had no interest in. I was very busy at the time. There were many people in the office. I was busy with other things, and I had no interest in this except incidentally, as I have stated.

Q. There were not many people in the office when you were talking with Mr. Lake?—A. Yes, sir.

Q. In the same room?—A. Yes, sir.

Q. Who were present?—A. I don't remember; but my office is quite a large office, and these people were there. When I am in my office I am very busy in the dispatch of business.

Q. If you do not remember anybody that was there, how do you remember there were a great many there?—A. I remember in general that there were different people in the office. I was transacting—I was called up on the telephone——

Q. Who called you on the telephone?—A. I do not remember.

Q. From what city or town?—A. I can not say that. There were no out-of-town calls. There were city calls, and I was generally busy.

Q. Have you no private room or private office?—A. Oh, yes; I have offices where I can retire in case of need, but in general I have an office where people come in, and if I need a private room I have one where I can retire.

Q. Mr. J. C. Lake, the vice-president of the Lake Torpedo Boat Company, had telephoned you he was coming to see you?—A. I am not sure, but I think notice was sent by telephone.

Q. When he came you received him in a crowd?—A. No, sir; I didn't say a crowd.

Q. You said a great many people.—A. I did not say a great many people. I said a number were in the office.

Q. You said a good many.—A. Well, your memory may be better than mine on that.

Mr. OLMSTED. I will ask the clerk to read what the witness said.

(The stenographer read as follows:)

There were many people in the office. I was busy with other things, and I had no interest in this except incidentally, as I have stated.

Q. There were not many people in the office when you were talking with Mr. Lake?—A. Yes, sir.

Q. In the same room?—A. Yes.

The WITNESS. Your memory is better than mine.

By Mr. OLMSTED:

Q. A great many people make a crowd?—A. Well, there was not a crowd. I mean relatively. You would not speak of a crowd in a business office, the kind of business that I do.

Q. If your office is not larger than mine, a good many people would crowd it.—A. There was not a crowd in my office, and what I intended to convey was that I was busy, with executive work, and people were calling on me for attention, and therefore I had little time to give to Mr. Lake.

Q. Were any of those people of more importance to you than the Lake Torpedo Boat Company?—A. Yes.

Q. Who, for instance, was one of them? Who of those present?—A. I don't remember. But as far as Mr. J. C. Lake was concerned, I arranged the details of business with Mr. Simon Lake and——

Q. When had you arranged the details of business with Mr. Simon Lake?—A. Different times, as I have explained, at the meeting I have told of. And in the regular course of my business I had transactions, of course, far more important to me than the call of J. C. Lake.

Q. What business had you arranged the details of with Mr. Simon Lake?—A. Details with regard to remittances, in regard to payments, and in regard to propositions to foreign governments and in regard to shipments.

Q. Mr. J. C. Lake, in addition——A. Those arrangements were made with Mr. Simon Lake.

Q. I so understood you. Mr. J. C. Lake in addition to being the vice-president of the Lake Torpedo Boat Company, is the father of Mr. Simon Lake, the president of the company?—A. I so understand.

Q. Do you really wish us to understand that you treated him so discourteously as to receive him in the midst of a crowd of many people and not talk with him at all in your private office?—A. I mean to say that I received him discourteously, that I was busy, that he recognized it, I certainly was not discourteous, on the contrary, I was as courteous as I could be under the pressure of business affairs.

Q. What were those affairs that were pressing?—A. I do not think you would want me to disclose my private business.

Q. I do not care so much about the private business, but I would like to have the name of one person that was there.—A. Those affairs had no relation to this matter of this investigation, they were affairs that had no remote relation. It was in regard to the paving business, and different manufacturing businesses that I am interested in, and some financial business.

Q. I simply want to see if you remembered what the business was, or who were there or any one person that was there.—A. I do not remember, I know in general I was attending to the details of my business. I do not remember at the time. I know I was busy, and I know Mr. J. C. Lake recognized it, and I know that I was very much occupied in it——

Q. Did you ask him to take a seat?—A. Yes; he sat down. He sat down at my desk. I did not go into any private office, but he simply sat at my desk, and other people were in the office at the same time, and he asked me in a general way about the foreign business, said he had been away, I believe——

Q. Did he say where he had been?—A. I do not remember; he said he had been away; I don't remember where.

Q. Did he say why he came back?—A. No.

Q. Did he say why he came to see you?—A. No.

Q. When was the last time before that that he had been to see you?—A. Well, sir, I think perhaps several months before; I don't remember.

Q. What did he say about this investigation?—A. I do not remember.

Q. You know Mr. Berg?—A. Very well; he has been my associate and agent in Europe.

Q. When did you last see him?—A. I saw him on the steamer *Comania* to sail for Europe on Saturday, I think, the 4th of April.

Q. That was just after the other officials of the Lake Torpedo Boat Company had been subpœnaed to appear here?—A. I don't remember that.

Q. Did you employ Mr. Grant Hugh Browne or Hugh Grant Browne, whichever it is?—A. It is Grant Hugh Browne.

Q. Is he is your employ?—A. No.

Q. Has he ever been in your employ?—A. Not in my employ on a salary, but in 1898 he went to Italy for me, and, in connection with the negotiations which I had in hand for the Government prior to the war with Spain, to Rome.

Q. To buy boats for the United States Government?—A. Well to enter negotiations. One purpose was to prevent the Spaniards from buying boats. The idea was if the Spaniards purchased vessels it would prejudice the financial and business interests in this country, and bring about a certain contraction.

Q. Who compensated Mr. Browne for that service?—A. Our expenses were paid by the Government.

Q. Paid by the Government to you, and by you to Mr. Browne?—A. I think so, yes. I do not think he received any direct payment. I don't remember about that.

Q. He did not go over there for fun?—A. I think he was on the other side at the time; I think he was in Europe.

Q. The Government had its relations with yourself?—A. Yes, sir.

Q. What Mr. Browne did, he did for you?—A. He attended to some negotiations under my direction.

Q. How was he paid for it?—A. I suppose I paid him; I do not remember just how it was arranged. I know in some way he must have got paid.

Q. Quite a considerable sum, wasn't it?—A. Not large. My work in that connection—I have a letter from Secretary Long in which

he commented very favorably on my facilities that I rendered without compensation.

Q. Did it also compliment Mr. Browne for working without compensation?—A. No, Mr. Browne was not mentioned. I complimented Mr. Browne.

Q. You got the compliments and Browne got the compensation?—A. Well, I complimented Mr. Browne. No, Mr. Browne did not get much compensation.

Q. Well, he got some at any rate, and we do not care how much he got.—A. Of course, he will tell you that. I do not remember.

Q. If his memory is not better than yours, we won't get much.—A. Mr. Browne, perhaps, has not as many interests as I have to look after, and his memory is probably better.

Q. That was in 1898?—A. 1898.

Q. What deals have you had with him since?—A. I don't remember of having had any—of concluding any business deal. He has been to see me about different promotions and possibilities. I remember that he organized a large lead company. I remember of having relations or a talk with him in that connection.

Q. You were interested in that promotion, were you not?—A. I don't remember that I got anything out of it. I remember that I did some work in connection with it.

Q. That had gone through successfully?—A. It did.

Q. Did you work without compensation?—A. I had to take chances.

Q. I trust you got proper compliment?—A. I rendered some assistance in that matter to him on the basis of reciprocity.

Q. I am speaking of cases in which he was rather acting in your behalf?—A. I do not remember of any business being consummated on my behalf.

Q. Whether it was consumated or not—commenced?—A. I don't remember that he has acted on my behalf in any negotiations that were completed.

Q. Whether they were completed or not. I am asking for negotiations that he commenced.—A. I have not any in mind now, what there were. They were not sufficiently important that I remember them, as they were not completed or consummated transactions. I remember of his calling about promotions.

Q. There were some, from time to time, in which you were mutually interested in some way?—A. Using the word "interested" in perhaps a very general sense, not in a specific sense, of the completion of any financial interest.

Q. This is not anything very serious, anyway, but I simply wanted to know whether you were not generally interested or engaged in some negotiations since 1898?—A. I don't remember of any interests where he acted for me or where there was any joint interest which resulted in business.

Q. I do not care how it resulted, but whether it was commenced.—A. Well, I do not remember what transactions they were, but I know that he has—of course he has been to see me about certain promotions or business opportunities, but I never paid him anything in that connection. It was a case where he was, to use a yachting expression, "sailing for chances."

Q. You have, then, several times "sailed for chances" in the same yacht?—A. Well, he has presented business. Perhaps it did not get to the point where I got aboard. It drew up alongside of the dock, but I may not have stepped aboard.

Q. It was not a submarine, was it?—A. No.

Q. What other matters have you been interested in since 1898 in which either Browne or yourself sought to capitalize your hopes and business abilities?—A. If it is important, I could probably find out, but of course you want to understand, take a man who is promoting as Mr. Browne, different opportunities come, a proposition about forming companies or different patents to be exploited.

Q. I ask you how often, in a general way, has Mr. Browne been to see you in the last ten years?—A. I should say that he would average once every three months, and then perhaps a year has passed when I have not seen him. And something might turn up and he would come in perhaps two or three days in succession, and then, perhaps, there would be a lapse of three or four or six months when he would not come to the office. There has been no relation beyond that of the promotor when at times he has thought I might be of service and he might present some attractive business to me.

Q. You are pretty skillful in that line yourself?—A. I have not done much promoting, but I make a distinction between promoting and organizing. I have done practically no business in the way of working up, or very little in the way of working up propositions preliminarily, but after they are worked up if a man comes to me——

Q. Then Mr. Browne endeavors to promote them up to the point of organization, and that is with the idea that you will organize it?—A. I will take it up after he has done a certain amount of work, and of course as far as that word or the discrimination between the words "organization" and "promotion," the business would not be defined clearly by those two terms. That is, to say, if you use the term in its general sense in promoting. But in most every instance when I have had to do in organizing companies, the preliminary work of getting options and initiating the negotiations has been done by others.

Q. That is what Mr. Browne was trying to do, and where he succeeded in that branch which for lack of a more specifically defined term you call promoting——A. Yes, sir.

Q. Then you were to organize?—A. Yes; but in that case it happened that I had an acquaintance where I could be, or he perhaps thought I could be, of service in promoting.

Q. Did not you sometimes suggest things to him, or lines along which he should endeavor to do that branch of the business which was fairly characterized by the term promoting, didn't you suggest sometimes a line of promoting to him?—A. No, no; it has been a case where he has taken the initiative.

Q. Then when he had got to a certain point, to try to avail himself of your services?—A. He might think that I could be of service, and I have in mind a promotion that he brought to me a few years ago. Nothing has been done.

Q. Let me put this suggestion to you. When a promotor wishes to capitalize his abilities as a negotiator, and thinks that he can participate in bringing "A" and "B" together, and share in some commission paid or to be paid for engineering the deal or bringing about the organization, is it not usually the case for him, the pro-

moter, to select one of the parties and in the interview, for the purpose of getting a hearing allow that party to the interview to infer that he represents the other party, while, as a matter of fact, he has no authority from him whatever, and that what he is trying to do is simply to bring them together?—A. Of course the ways of broker and promoters and middlemen in trying to bring parties together, there are very many ways, and devious. Of course they use different methods.

Q. Is it not quite ordinary that a promoter says to A, "Now, I think B is about ready to deal. Do you authorize me to talk with him?"—A. Yes.

Q. Or he goes to B and says, "I think A could be brought into this; do you authorize me to talk with him?"—A. That method is very usual; very usual.

Q. You spoke of Flint & Co. Is that a partnership or a corporation?—A. That is a partnership.

Q. Do you object to stating who are the company?—A. No. My partners are my brother, W. B. Flint, and T. R. Cordlay.

Q. Is it yourself as an individual or Flint & Co. that sell the submarine boats abroad?—A. I am the senior of Flint & Co.

Q. It is a partnership?—A. And the partnership does the business.

Q. How do you sell the boats abroad? Do you buy them as a merchant and sell them for what you can get?—A. Well, there is no defined arrangement; principally on commission.

Q. Do not you sell them all on commission?—A. No.

Q. What other way do you sell them?—A. We might have an interest in the result of profits.

Q. In that case it would be by a division of profits?—A. Yes, sir.

Q. A percentage of profits instead of a specific commission on the price?—A. Yes, sir.

Q. Then it is as a broker rather than as an owner that you take part?—A. We do not use the expression "broker." That rather more applies to merchandising and transactions in securities, but we negotiate transactions.

Q. You have a contract with the company?—A. Well, yes; we hold a contract.

Q. Does it specify more than one kind of compensation?—A. Yes, sir.

Q. Does it specify one kind of compensation with one government and another with another?—A. There are different kinds.

Q. That does not quite answer the question. Do you have different kinds as to the sale of boats to the same government?—A. If it is not vital to this investigation, I do not want to disclose my private business. I mean as to my contracts. Then you see certain of these matterrs refer to friendly governments. I do not want—I suppose it has no special bearing on this matter.

Q. You do not think it involves us in any international complication if you would answer the general question. I have not asked you for any particular government; I simply ask you whether you have two kinds of compensation in regard to the same government.—A. I perfer not to answer that. It is a private business. If it is not important, I do not want to disclose my private business or contracts in regard to my foreign business; it gives points to competitors, perhaps.

Q. What competitors are there?—A. Oh, there are many people who are seeking contracts. There are manufacturers in Europe—Krupp——

Q. Do you mean they are competitors for the business of the Lake Torpedo Boat Company?—A. No; they are competitors for orders.

Q. Trying to sell some other boat?—A. Yes, sir.

Q. How would that affect the matter? If you got a bigger commission, then they would simply try to get as big a commission as you get from the Lake Company?—A. Yes; but it might have some bearing on negotiations in securing orders. There are manufacturers of submarines in different countries in Europe, where we have to come into competition. We prefer that those competitors should not know the business basis on which we handle this business.

Q. One of the serious charges that has been made before this committee is that the Government of the United States in the purchase of submarine torpedo boats in the last two years has paid to the Electric Boat Company an excessive and unjust profit of something like a million and a half of dollars, and a good deal of evidence has been put in here on that charge by Representative Lilley. A good deal of evidence has been put in by Mr. Lilley as to the cost of torpedo boats, as to the prices at which they are sold to the United States Government and foreign governments, and it seems to me it is important to this inquiry that we know something about the methods of the sale of submarine boats to foreign governments. It is not a question which was raised by the committee, but it has been raised before us, and is a very serious matter.—A. In general, I do not think that the United States Government, without making careful comparisons, because I do not know to-day what prices the Electric Boat Company received, but in general I do not think that the United States has paid any more for their submarines than has been paid by foreign governments. I would state that unhesitatingly.

Q. Do you state that as one having had considerable experience in selling boats to foreign governments? How many submarine tor pedo boats have you sold to foreign governments? I do not ask you about any particular government, but all of them together?—A. Well, that would disclose private business, but I have sold a very considerable number and what would be relatively a large number and a sufficient number, so that it has given me an opportunity of knowing in general about comparative prices.

Q. Let me ask you, do you sell or have you sold submarine torpedo boats to any foreign government, other than the boats of the Lake Company, what are known as the Lake boats?—A. Not submarines. I have sold torpedo boats, and I have sold dirigible torpedo boats, but not submarines.

Q. We do not wish to ask you anything except about submarine torpedo boats.—A. No; I have only sold the Lake boats.

Q. The last contract made between the United States and the Electric Boat Company, if I have the figures correctly in mind—the figures are here in this volume of testimony—if I have them correctly in mind, there were four boats contracted for last year from the Electric Boat Company at $270,000 each and three boats at $350,000 each.—A. Well, there are of course so many conditions enter into the question of price; there is the length, there is the displacement, character of engines, and so on; but in general I can state that those prices are not in excess of the price paid by European governments.

Q. I perhaps gave you the figures incorrectly. I have now before me page 299 of our hearings in which it appears in the testimony of Admiral Capps that of the last seven boats contracted for and to be supplied by the Electric Boat Company four were at $285,000 each and three at $360,000 each. Now, having those figures in mind, would your answer be the same?—A. My answer is that these prices are not materially higher than the prices paid by European governments, and they are not materially lower.

Q. Are they materially higher or lower than the prices paid by foreign governments for the boats of the Lake type?—A. No.

Q. In your judgment are these prices you have stated now the comparison with foreign governments? I will ask you this question: Do you consider that at the figures I have mentioned they will yield an undue or unjust profit to the Electric Boat Company?—A. I am not competent to answer that question. I have not a sufficient detailed knowledge of the business to answer that, but my general impression is that the profit is not an excessive profit, but I have not the technical knowledge that is obtainable so as to answer it specifically.

Q. But your judgment is that the prices indicated would not afford an unjust profit?—A. That is my judgment.

Q. You have stated, Mr. Flint, that the cost paid or the price which ought to be paid for it would depend a good deal upon what is the length, speed, and I think you mentioned the engines, and so on?—A. Yes.

Q. Would it not be sufficient data to simply state what the tonnage is?—A. Yes; it would be sufficient if the amount of displacement was stated—it would be sufficient in a general way—and I have already answered the question, having in mind the general dimensions and displacement.

Q. Then would not the character of the engine make any difference?—A. I have taken everything into consideration in answering your question, and I am satisfied that the prices that you referred to are not materially higher or materially lower than those paid by the European governments.

Q. Then you would consider that the tonnage or displacement would be an important factor?—A. Yes, it is an important matter, and I have taken that into consideration. Of course, I am not a technical man. Mr. Berg is more technical, and, of course, as I have explained, I have so many other interests that I am dependent upon other people for details, but I keep their general run so that in general I know, I see bids that are put in, the prices, and I know that there is not any material difference.

Q. Then the character of the engine would be one element of cost?—A. Yes, sir.

Q. But by no means the only element?—A. If it were relative it would be only a per cent or a small part of the cost. There are many conditions, different questions that enter into the case.

Q. Then you could not determine, even approximately, the cost by merely having stated, of course, the character of the engine?—A. The character of the engine, no. I know in general about the question of performance.

Q. By having the question of speed you could not estimate the cost wholly by being told that it was required to make so many

knots an hour?—A. No; for the reason that the boat might be designed to secure a high speed, but in order to secure that speed the boat might be very weak in other points. I built a boat that made the highest speed of anything built in this country, but I sacrificed other things.

Q. Other things being equal, the element of speed would enter in?—A. It is an important item, but a boat might be very badly balanced if other important features were sacrificed to speed. As I say, I built a boat where I sacrificed everything to speed, sacrificed durability, sacrificed strength, sacrificed everything to make the world record for speed.

Q. Does not—I think you call it endurance under water—the length of time it can stay under water without coming up to breathe; that counts for something?—A. That is very important, that is an important item, but still that idea could be carried too far.

Q. I mean that it is an item of cost?—A. A submarine, like any other vessel, is best described as being a series of compromises. If there is an attempt to make any one feature particularly prominent, it is often done at the sacrifice of the balance of the boat.

Q. Then the item of displacement is also of course an important item?—A. Yes, sir.

Q. Could you form an opinion with those items, the character of the engine, the knots of speed, the endurance under water, or the displacement—can you from any one of those elements determine a fair cost of the vessel?—A. Any one?

Q. Yes.—A. No. But I would form a very good idea from knowing the displacement; but a boat might be constructed with a large displacement, but might be imperfect in construction; it might have poor engines or poor balance.

Q. When you bid on a boat, do you have submitted to you plans showing the requirements of speed, submersibility, the character of the engines, displacement, and all those things?—A. So far we got our business on guaranteeing results, and so far Mr. Lake has made good.

Q. Well, the results are along the whole line—speed, submersibility, and so on?—A. Yes, sir; and if we have the contract the final payments have been based on trial trips.

Q. Then, have you made any contracts for boats simply that they were to furnish so much speed?—A. No.

Q. Or have you made contracts simply that they were to have the ability to remain under water for a certian period of time?—A. No.

Q. Or simply that they were to have certain displacement?—A. No.

Q. And you would sell them neither by ton or displacement nor by speed alone?—A. No. There is a round sum fixed, and every feature is taken into consideration, and that is subject to trials. But if a boat, for instance, built very fast and still was imperfect in some material points, the boat would be rejected.

Q. Then in all these important things the boat must make good?—A. Exactly

The CHAIRMAN. We will take a recess, gentlemen, until 2.30, and then we will proceed with this witness.

(Thereupon the committee took a recess until 2.30 o'clock p. m.)

AFTER RECESS.

The committee met, pursuant to the taking of recess, at 2.30 o'clock p. m.

All the members of the committee were present.

The CHAIRMAN. The committee will be in order.

TESTIMONY OF CHARLES R. FLINT—Resumed.

By Mr. OLMSTED:

Q. I want to ask a few more questions, Mr. Flint. I think you stated, in answer to questions by Mr. Stevens, that you were in favor of the coalition between these torpedo-boat companies, the Electric Boat Company and the Lake Company?—A. I was in favor of that negotiation to that end; that I saw that I might personally profit thereby; it was purely a question of business with me.

Q. You thought, I think you said, that it would help your business with other governments if you had gotten together?—A. If the development of the art could be carried on without patent restrictions—that is, if Mr. Lake could conduct his work without interfering with the Electric boat patents or if, on the other hand, the Electric boat people could conduct their operations and make their designs without conflicting with Mr. Lake's patents, it would naturally be an advantage and to my idea we would thus perfect a submarine that I could handle to better advantage with foreign governments in competition with submarine companies in Germany, England, France, and Italy.

Q. Mr. Flint, do you know a Mr. Hurd?—A. I do not remember him.

Q. Have you never met him abroad?—A. I do not remember him. Of course I meet a good many people; if you would mention something——

Q. Would it help you to remember if it were suggested in connection with the Vickers-Maxim concern?—A. No; I do not remember of having met him.

Q. Then you have had no conference with him on this subject?—A. No.

Q. I think you said that you were authorized by Mr. Lake—that is, after you talked with him after that interview with Mr. Browne—you were authorized by him to talk with the Electric boat people on the subject?—A. No.

Q. Then I did not understand you correctly.—A. No.

Q. I am not asking you whether he gave you any terms, but whether he authorized you to consult with them.—A. He never objected to my meeting Mr. Browne, and he also, when I stated that I would be willing to see Mr. Rice if he came to my house—Mr. Lake knew of that conversation, so that he consented to the extent that silence gives consent.

Q. You understood that he was agreeable that you should meet them under such circumstances that you name?—A. He knew that I had stated that I would see them if they came to my residence.

Q. What was your objection to meeting them anywhere else?—A. Well, one objection would be that it is a great advantage if the party comes to you instead of going to the other party.

Q. I think that is true.—A. Exactly, and I was not willing to go to them; it is a case where the mountain has to come to Mahomet.

Q. Did they come to you?—A. They refused, and I refused to go to them. They wanted me to come to the St. Regis Hotel, and that I refused to do.

Q. You were both playing the mountain business?—A. Well, I gave the final decision; I spoke last.

Q. Would Mr. Lake have been present had they come to your house?—A. I think not.

Q. Were you at your house?—A. No; I was at the Engineers' Club, but Mr. Lake, I think, had an attitude that if he was to be approached he would have to be courted, and I think that if they had come to my house he would have remained, particularly as under the doctor's advice he was keeping to his room in the Engineers' Club.

Q. He was not averse to being courted?—A. Yes; and certainly would have been courted by Mr. Browne would Mr. Browne have had the chance.

Q. I say he was not averse to being courted?—A. Apparently not, and still he showed a great indifference.

Q. Coy?—A. Yes, and whispering "she would ne'er consent, consented." That sort of an attitude.

Q. Did Mr. Rice ever speak to you about the purchase of the Lake Company's interest in the submarine business?—A. I have testified to meeting Mr. Rice a year ago and then meeting him in Russia, and he has not spoken to me on the subject within six months—I do not think within a year; certainly not within six months. I have not seen him within six months.

Q. In any of your conversations with Mr. Rice was there ever anything said about detectives at any time?—A. Not to me.

Q. Did either Mr. Rice or Mr. Frost say anything to you about detectives?—A. Never.

Q. About being shadowed by detectives?—A. Never.

Q. Did they give that as a reason for not coming to your house, or your going to their house, that they were afraid that they were being shadowed by detectives?—A. No, not to me.

Q. Did they say that Mr. Lilley, they thought, had detectives on them?—A. They never said it to me.

Q. At what hotel did they want you to meet them?—A. Wanted me to meet them at the St. Regis.

Q. Was there ever at any time any proposition coming from them to you or from you to them, that there should be a meeting at the Gilsey House?—A. Never.

Q. Did the Electric Boat Company people ever authorize you to make any definite proposition to Mr. Lake, or to the Lake Torpedo Boat people?—A. Never.

Q. Did he say that they were ready to pay $1,000,000 in cash?—A. No.

Q. Did they object to a deal whereby—did Mr. Lake object to deal; did he object to considering a proposition?—A. I do not remember of his objecting to that specifically, but the negotiations never got to the point where he had a chance to take a stock proposition or any other proposition; there was never any definite offer.

Q. Either of stock or of cash?—A. Of no kind; it was promoter's talk.

Q. Did you ever say to Mr. Lake that Mr. Frost or Mr. Rice or any other of the Electric Boat Company people were inclined to put up a good deal of cash in the purchase?—A. I do not remember. In the way I was serving—in a general way, some conversation Mr. Browne had, Mr. Browne was endeavoring to bring about this negotiation and in that connection I might possibly have said that Mr. Browne was hopeful that he could get cash.

Q. Do you not remember Mr. Lake said something to you about the notes of the Electric Boat Company?—A. I remember that at one time, I do not remember when, that he took out a note of the Electric Boat Company and showed it to me, and said that he had notes or a note, I forget whether it was one or more, and I remember that he indicated that as an evidence that they were not long in cash, that they permitted the extension of a note which he possessed, but I do not remember the time when he did that.

Q. Perhaps you have covered this, but was there any talk of this investigation at any time between you and Mr. Simon Lake?—A. I have covered that.

Q. You have said there was not?—A. My previous testimony will show.

Q. In order to be certain I will ask you whether or not there was conversation in regard to this investigation?—A. I will repeat what I have already said, that there may have been general talk in regard to it, but it was not in connection with any definite proposition, there was no proposition submitted in which that was a part.

Q. Was it suggested that the investigation might stand in the way of a deal?—A. Naturally the subject was mentioned in the papers, talked of in a very general way, but it never was any part of any proposition, and the idea was advanced that it would interfere with the deal.

Q. Was it advanced that the fact that there was an investigation led the Electric Boat Company people to be willing to deal?—A. No.

Q. Mr. Flint, those are all the questions I desire to ask you, except the one I suggested and then passed by, and that is as to the contract or the sale of the Lake Company's boats abroad. I think the last question I asked you was whether in any case you had a contract with the Lake Company for two different methods of determining compensation in the event of your selling boats to the same foreign government?—A. We do have different plans or basis of conducting these operations.

Q. Is your arrangement with the Lake Company all covered by one contract, or is there a separate contract for each government to which you sell boats?—A. There are separate contracts; there are different contracts and not all on the same basis.

Q. To what governments have you sold boats?—A. If that is not important, I would prefer not to cover that question, because that is private business. But I will state, with your permission, that may cover the point, that we have sold boats to the Russian Government, sold boats to the Austrian Government, had important negotiations in Italy, but farther than that I would prefer not to state.

Q. Have you sold to any other government?—A. I would prefer not to answer that. That would give competitors an opportunity of knowing about business; that might be prejudicial.

Q. I think the public statistics given us, which have been incorporated in our record, show the number of submarine boats owned

by each government.—A. But you understand that the statement might be made as to the number of boats owned, but that might not cover the matter of sales. You see there might be sales in anticipation of construction and delivery. But we have made sales; in fact, there are four boats being constructed in Russia at the present time for the Russian Government, a very important contract.

Q. Now, I will ask you again, in your arrangement with the Lake Company, is there one contract with the Lake Company covering both Russia and Austria, or have you a contract with Russia and another for Austria?—A. We have different contracts; it is not all in one contract.

Q. I mean, is there more than one contract for Russia, boats sold to Russia?—A. I will answer that if you will regard it as important and material, but I would be in hopes that that would not have any bearing on the main purpose of this investigation.

Q. Well, I will pass that for a moment and ask you whether you will state the commission which you received upon those four boats under contract with Russia now?—A. That certainly would be very confidential matter; that would be a matter of private business.

Q. Would it be in the nature of a certain specific commission, certain percentage on the price received for the boat, or would it be in the nature of a division of profits upon the boats?—A. That I could not answer either way. That is a complicated contract, so that I could not make a specific answer for it either one way or the other.

Q. Is it in writing?—A. Yes.

Q. And could be produced?—A. Yes. At the same time you can appreciate that those contracts are confidential contracts with a friendly government and we are naturally under certain obligations to keep those matters private.

Q. Would you object to stating the amount of commissions or compensation that the Lake Company has paid you for the sale of boats to Russia, for instance?—A. Yes; that would be a matter of private business and would be a disclosure of private affairs that I would hope that you would not ask for. That is so far removed from the purpose of the investigation.

Q. As I have said, the charges made by Representative Lilley are very serious as to the amounts paid by this Government for its submarine boats. He has charged that the Government has allowed the manufacturer, the torpedo boat company, to make an unjust profit of more than a million dollars through the incompetent and inefficient officials of our Navy Department; and I think that he has also testified, or at least it has been suggested here, that the American Government is paying much more for such boats than foreign governments. From that point of view, having those charges in view, is it possible that the inquiry I have made to you might be directly in line with this inquiry?—A. I can state that as compared with the prices at which we have sold submarines in Europe that the prices received by the Electric Boat Company are not materially more nor materially less.

Q. Than the prices paid by the United States for the so-called Holland boat?—A. Exactly.

Q. And now manufactured by the Electric Boat Company?—A. Exactly.

Q. Still the question of what would be an excessive and unjust *profit might* depend something upon the amount of compensation paid

for the sale of the boat?—A. But I am comparing the prices paid by the respective governments with the prices paid by the United States or the prices at which the United States has entered into contracts.

Q. I understood your comparison from that point, and you are stating just the fact that the United States is not at any disadvantage in prices paid for submarine torpedo boats?—A. That is my statement.

Q. But there still remains the question of whether or not the manufacturers who supplied these boats are making—we would not, of course, inquire if that were the only thing, we would not inquire as to whether foreign governments are paying too much, but as to whether or not the United States Government is still paying an exorbitant price, and the amount of compensation paid for a sale would enter into it.—A. That would be exceedingly complicated, so far as we are concerned, because it is not in a form that could be specifically stated. It is involved with other transactions and other services. For instance, my telegraph bill which I rendered to the Russian Government amounted to over $30,000, and it comprises some ten volumes, 2 inches thick. Again, the compensation and services rendered, and contracts together, would be very complicated, and in my judgment I think I have covered the point by stating that I think that the United States has not contracted with the Electric Boat Company at a price substantially in excess of the amount paid by the foreign governments to which we have made sales.

Q. Have you any objection to stating whether such items as telegraph expenses that you have referred to under your contract would be paid as expenses or borne by you?—A. I would prefer not to give testimony on that. You see that is a question of my own relations and accounting with the Russian Government.

Q. You would not account to the Russian Government for your own expenses?—A. Yes; in certain matters. For instance, they paid my telegrams and cables to an amount of over $30,000.

Q. The Russian Government did?—A. Yes; the Russian Government did.

Q. In Russia do you deal with the parliamentary body or what would be the equivalent of our Navy Department?—A. We deal with what is equivalent to our Naval Department, the admiralty.

Q. Who is the head of that department in Russia?—A. Admiral Avelan, and the chief of staff, Admiral Wironius, Admiral Broussilloff.

Q. Do you speak the Russian language?—A. I speak it sufficiently for directing the coachman.

Q. Not in talking with the admirals?—A. Oh, they all speak either French or English.

Q. In paying these telegraph and cable expenses, does the Russian Government pay them to you or to your company?—A. To Flint & Co.

Q. Do they pay for the boats to the Lake Company or to Flint & Co.?—A. They pay for the boats to Hart O. Berg in St. Petersburg.

Q. Who is Mr. Berg?—A. Mr. Berg is my associate and agent.

Q. Is he a Russian or an American?—A. He is an American, residing in Paris.

Q. And how does he transmit the money to you, or to the Lake Company?—A. Well, he keeps some and transmits some to me.

Q. And you keep some and transmit some to the Lake Company?—A. Exactly.

Q. Do you account to the Lake Company for the entire proceeds of the boat received from the Russian Government by Mr. Berg?—A. Mr. Berg does. In some cases collections have been made by Mr. Lake when he has been in St. Petersburg.

Q. Is Mr. Berg in your employ or is he an employee of the Lake Torpedo Boat Company?—A. Both of us; he acts for Mr. Lake and he is also an associate of mine.

Q. How are his expenses paid?—A. He pays the bulk of them. I pay part and some expenses have been paid Mr. Lake.

Q. The Russians are pretty satisfactory persons to deal with, are they not?—A. They are very satisfactory. If you have their confidence they are exceedingly liberal and fair.

Q. How are the prices paid for the boats fixed?—A. Fixed by the admiralty.

Q. Your written contracts with the Lake Company, you prefer not to produce?—A. No; I prefer not to produce those.

Q. I suppose the contract could be produced by the Lake Torpedo Boat Company as well as by you?—A. I should suppose so.

Q. It is made in duplicate?—A. Yes, sir.

The CHAIRMAN. The committee will consider whether the witness should be compelled to answer the question and will decide upon the materiality of those questions in the future. It may depend upon the evidence as it progresses in the future.

Mr. Howard, do you wish to ask this witness any questions?

Mr. Broussard, do you wish to propound any questions to this witness?

Senator Thurston, do you wish to have any questions propounded to this witness?

Senator THURSTON. The following questions, Mr. Chairman:

By Mr. OLMSTED:

Q. These questions are submitted by Senator Thurston, and at his request they are put to you. "Did you testify that you did not telephone to Mr. Simon Lake, as sworn to by him as follows: 'I received a call on the telephone. I answered it and recognized Mr. Charles R. Flint's voice. He stated, in substance, that certain parties, whose names he did not mention, but who, he said, were at that time under investigation, had sent to him and stated that they wanted peace and plenty of it; that they thought the Lake people were responsible for the investigation, and that they wanted to know where I could be seen. I told Mr. Flint that I was at the Engineers' Club and he could see me there. He said he would come right up.'"—A. Well, I do not remember the sending of that telephone.

Q. The question is, Are you positive that you did not so tell him in substance as he has sworn?—A. I do not remember.

Q. You do not remember so telephoning?—A. No, sir.

Q. The next question: "Was that not the beginning of the proposed negotiations?"—A. The beginning of the proposed negotiations was when Mr. Browne came to me, and I suppose that I must have telephoned or communicated with Mr. Lake. I do not remember whether that was the first communication. But on that point Mr. Lake would remember better than I, because it is a matter of more importance to him.

Q. The next question is: "Will you testify that when you met him at the Engineers' Club after telephoning for the appointment you did not have a conversation as sworn to by him as follows:"

He stated that Mr. Rice and Mr. Frost were in a room downtown; that they had sent a man to see him and wanted to know if they could not renew the negotiations that had been discussed previously in regard to securing the Lake Company's interests, or if something could not be done to stop the investigation. He said that both were apparently very much concerned about the Lilley investigation and he thought they were willing to do most anything to stop it. I told him I had absolutely nothing to do with this investigation in any way, shape, or fashion; did not know an investigation was to be made; that I hardly knew Mr. Lilley, having only just recently been introduced to him and having met him only once since then; that I did not believe, even if I were disposed to stop the investigation which had been started, that there was any possible way in which it could be done, as I took it the matter was entirely out of Mr. Lilley's hands.

I think Mr. Flint's reply to that was: "Well, there is no need of your telling them that and I don't see that there is any harm in listening to their offer." He asked me if I had any objection to his hearing their proposition. I said no, I had not. He then called up on the phone and made an appointment to see some one in reference to the matter—I do not know whom. He said he would return, which he did in the course of a couple of hours. According to my recollection the proposition which he then submitted was this:

The Electric Boat Company would give $1,000,000 in preferred stock and $2,000,000 in common stock if I would turn our United States rights over to them and use whatever influence we might have to stop the investigation.

My reply to that was: "It does not interest me."

He stated, I believe, that this proposition had been made to him by a man by the name of Brown, and that Brown wanted to arrange for him and myself to meet Rice and Frost. I said I could not do that under any circumstances. He then said: "Well, have you any objection to my meeting them?" I told him he was free to do as he pleased. He then called up a man whom I assumed to be Brown, and I took it from the way the conversation was carried on that Brown was in the same room with Messrs. Rice and Frost. Mr. Flint stated to the man at the other end of the wire that he would be glad to see his party if they would call at his house. Mr. Flint informed me that they would not come to his house as they were afraid that they were being watched; that they thought Mr. Lilley had a detective on them, but that they would meet him at the Gilsey House. He refused to meet them at the Gilsey House, saying that if they wanted to talk business they must come to him.

The question is whether you had such a conversation?—A. I have stated in general as much as I remember of the conversation. Now, Mr. Lake would remember that conversation more in detail than I, because it was a matter of intense interest to him, and in that stage was of little or no importance or interest to me, and I think that my testimony has covered it so far as I remember.

Q. Then, do you say that what you have already testified you adhere to? Is there anything in this question that leads you to modify it?—A. No.

Senator THURSTON. I suggest, Mr. Chairman, that the frame of my question is Will he testify that that conversation did not occur? He ought to answer that.

Q. Will you testify that when you met him, that is, Mr. Lake, at the Engineers' Club, after telephoning for the appointment, you did not have the conversation as sworn to by him?—A. Now, there are certain details there that I happen to remember. For instance, I remember that the hotel was the St. Regis. It impressed itself as being one of the most expensive hotels in New York City instead of the least, and I remembered that, and I do not conflict with the testimony as given by Mr. Lake, and he remembers the conversation, being intensely interested in it, better than I, perhaps.

Q. Then did he say, "it does not interest me?"—A. That was the substance or the effect. I do not remember the language. But

when I saw Mr. Browne I told him that I did not—that Mr. Lake was indifferent and I did not believe any business would result, but I do not remember the words, but in effect I reported to Mr. Browne that there was nothing to be accomplished, I did not think anything could be.

The CHAIRMAN. The quotation is so long, you may have missed the real gist of the question propounded by Senator Thurston, which is whether you will testify that you did not have such a conversation?

A. In general I will not testify that I did not have it.

Q. I ask you this question: You have already testified that you did not say to Mr. Lake that the Electric Boat Company would give $1,000,000 preferred stock and $2,000,000 in common stock?—A. I know that I was not authorized to make any such offer. I was not in that position. But I repeated to Mr. Lake what Mr. Browne said; but inasmuch as it was not real business, I do not remember the details of it. It did not get to that point. It was simply in the position where a promoter was endeavoring to make a commission or make a profit.

Q. Senator Thurston's next question is this: "Will you testify that his sworn statement of that conversation is not correct in substance?"—A. I have answered that. I have nothing to add.

The CHAIRMAN. In order to make the record clear, won't you be kind enough to answer each of these questions categorically, whether you have previously testified to it or not? It may save a great deal of time and make the record much clearer and get what Senator Thurston wants to have gotten on the record, and which he is entitled to.

Q. The question is: "Will you testify that his (Mr. Lake's) sworn statement of that conversation is not correct in substance?"—A. No.

Q. "Do you mean to testify that no such conversation took place in substance as sworn to by Mr. Simon Lake, or is it your answer that you do not remember?"—A. My answer is that except so far as I have answered I do not remember.

Q. The next question is: "Was not the conversation in substance as sworn to by Mr. Simon Lake?"—A. In general; yes, sir.

Q. Are you prepared to say that Mr. Lake's testimony about the telephone and personal conversations is not true?—A. No.

Q. "Will you testify that Mr. Lake's statement, as follows, is not true?"—

Not being able to come to any satisfactory arrangement, as I took it from the conversation over the phone, Mr. Flint left, and, I believe, went to his office. I do not know whether they met or not, but I gave Mr. Flint distinctly to understand that I would not be interested in any stock proposition, even to the extent of submitting it to my board of directors. Later he returned and stated that they were disposed to give considerable cash—my recollection is that the price named was $1,000,000 in cash and some other consideration in the nature of royalties. I told him I did not believe they had $1,000,000 in hand, as I had and still have some of their notes, which they have recently renewed, and of which their attorneys knew. It seemed to me they would have considerable difficulty at this time in raising $1,000,000 in cash, and that probably the whole negotiations were being conducted on their part with some ulterior motive in view with regard to this investigation. I told Mr. Flint I did not care to give the matter any further consideration. He agreed with me that the probabilities were that their object was as I had stated.

Now the question is, Will you testify that Mr. Lake's statement is not true?—A. No. I desire to state that I did not know of any author-

ized proposition from the Electric Boat Company; that whatever was suggested was from Mr. Browne, whose position, as has already been stated, was that of a promotor.

Q. The next question is: "Will you swear that Mr. Lake in any of the foregoing testimony has testified to anything which did not actually take place between Mr. Lake and yourself?"—A. Substantially that statement is correct, but in some matters, I haven't it in mind—matters of detail, why, there is a certain natural difference that is not material.

Q. The next question is this: "Is your recollection of the transactions such as to enable you to swear that Mr. Lake's version of them is not true?"—A. No.

Q. The next question by Senator Thurston is: "Will you please read Mr. Lake's statement of these transactions and interviews as printed on pages 1086 and 1087 of the record, and then point out any one or more statements which are not true?"—A. (After reading part of record referred to.) On page 1086 he stated that "certain parties at that time who were under investigation sent to him and stated"—I had no knowledge, I had not seen the parties there referred to, and I had no knowledge of what they stated. I simply knew what Mr. Browne put in his negotiations, but I had no knowledge as to what the parties had stated. And in the telephone I indicated that Mr. Browne had come from the Electric boat people.

On the same page it says I stated that Mr. Rice and Mr. Frost were in a room downtown. I did not know that they were in a room downtown, but I have already testified that I telephoned Mr. Browne was with Mr. Rice, but I do not remember whether Mr Frost was there or not.

I remember that Mr. Lake said that he had nothing to do with the investigation; I remember that. It says: "I told him that I had absolutely nothing to do with the investigation." That meant, I suppose, that he had nothing to do with the initiation of it. He said: "I do not see that there is any harm in listening to their offer." That was his attitude at that moment.

Now, in stating that a proposition was submitted I was repeating the suggestion that Mr. Browne had made, but I never understood that there was any firm offer or business proposition. I understood that Mr. Browne was endeavoring to bring the parties together, and he used me owing to my acquaintance with Mr. Lake.

I have stated before that the Gilsey House was not mentioned. It was the St. Regis Hotel.

As to the conclusions that the whole negotiations were being conducted on their part with some ulterior motive in view with regard to this investigation, I knew, that in general, his attitude was that the negotiation was not serious. I do not remember just the words in which he made the statement. His memory on that would be very much better than mine.

So that, in general, that was the idea of the conversation, and I do not remember the details of it for reasons before stated.

Q. Did Mr. Lake tell you he held some notes of the Electric Boat Company?—A. I have already testified that he showed me a note, but I do not remember at what interview.

Q. The next question is: "If he so told you, what led up to such statement?"—A. I do not remember, but I know that it was for the

purpose of having me understand that they did not have any real money, and then came the idea that he did regard these negotiations seriously, and I so indicated to Mr. Browne.

Q. "In your first conversation with Mr. Simon Lake at the Engineers' Club, to which you have testified, did you not, in stating to Mr. Lake the proposition for him to consider, write on a slip or slips of paper the amount in stock as stated by him—that is $1,000,000 in preferred stock and $2,000,000 in common stock of the Electric Boat Company?"—A. Not that I remember. I generally make memoranda when I am talking a serious negotiation, but I do not remember that I regarded that this came within that class. I had about the same view of it that Mr. Lake has expressed there.

Q. "Did you not at that time write on a slip or slips of paper any proposed amounts and push them over for Mr. Lake to read?"—A. Not that I remember.

Q. "After he read them did he not state 'It does not interest me,' and did you not then and there tear up those slips of paper?"—A. Not that I remember, but I remember, as I before stated, the business he did not regard as serious.

Q. "When you returned later to see Mr. Lake, as testified by him on page 1087, did you not, in stating the new proposition, mention the amount to be paid in cash by the Electric Boat Company, and did you not write figures and amounts on a slip of paper and pass it over for Mr. Lake to read?"—A. I don't remember, but I know—I am satisfied it was prior to that time that Mr. Lake had indicated that the Electric Boat Company did not have cash.

Q. "Did not Mr. Simon Lake then say to you that he did not care to give the matter further consideration?"—A. Substantially, yes.

Q. "Did you not then tear up the slip of paper on which you had written the figures?"—A. I don't remember.

Q. "Was not the conversation which took place at the Engineers' Club such as would lead Mr. Lake to believe that Mr. Browne came from or represented Mr. Rice?"—A. Certainly; that Mr. Browne came from Mr. Rice.

Q. "Came from or represented Mr. Rice?"—A. Certainly.

Q. "Did you not think that Mr. Lake thought Mr. Browne came from Mr. Rice?"—A. Yes.

Q. "Do you remember in calling Mr. Lake over the phone, of saying the Electric boat people had approached you again and that you thought they wanted 'peace and plenty of it,' or words to that effect?"—A. That conversation I do not remember, but I am positive that I had no conversation with the Electric boat people and that whatever was said was said at the solicitation of Mr. Browne, who wanted me to call Mr. Lake up.

Q. "Do you remember Mr. Simon Lake saying to you that when a cash sum was mentioned that he, Mr. Lake, held some notes of the Electric Boat Company and that he did not believe that the Electric Boat Company could raise $1,000,000 in cash?"—A. I know that Mr. Lake did not believe that they could raise the money and that he did not regard the business seriously.

Q. "From whom did you get the figures you submitted to Mr. Lake?"—A. Whatever I got I received from Mr. Browne. I never had any communications of any kind with any of the officers of any of the parties financially interested in the Electric Boat Company.

Q. "Did Mr. Browne give you any figures of any kind to submit to Mr. Lake?"—A. I am under the impression that he did, but they were the figures of an enterprising promoter and made no special impression.

Q. That is the last of Senator Thurston's question. There are a few that occur to me to ask on behalf of the committee. Who were with you when you had this conversation with Mr. Lake?"—A. Part of the time there was not anyone, and then at one time Mr. Berg was there.

Q. What reason would there be, if you wished to mention any figures to Mr. Lake, what reason would there be for your putting them on a slip of paper and passing them over to him and then tearing up the slip?—A. I do not remember of that being done, and what surprised me was that Mr. Lake's attitude was such, as he testifies, and the actual position was such that I should not suppose that it got to a sufficiently serious stage where I wanted to even write a memorandum.

Q. If you wanted to tell him that the Electric boat people had offered a million dollars, was there any particular reason why you would not mention it to him right out?—A. Not at all; that is to say, there would not be any reason why I should not mention what Mr. Browne had said. On the contrary, there would be every reason I should.

Q. Is it merely the point of putting it on a piece of paper?—A. There is no point at all in that. That might be simple, if it was done, but I do not remember that it was. It might be written, perhaps, to make it clearer.

Q. Had Mr. Rice spoken to you about the Lake Boat Company's interest in submarine boats?—A. No, sir.

Q. Did you state to Mr. Lake that he had?—A. No.

Q. Then what Mr. Lake says on page 1085, "According to my recollection the conversation with Mr. Flint was in substance that Mr. Rice had spoken to him about the purchase of the Lake Company's interest in the submarine business and wanted him to find out if it was for sale and at what price."—A. As I have stated, I had no conversation whatever with Mr. Rice or any officer of the Electric Boat Company for six months. In fact, I have never met Mr. Frost; I do not know him.

Q. Then the question is, did you tell Mr. Lake you had had that conversation?—A. He understood that I had not. He knew that I refused to go to Mr. Rice and Mr. Rice refused to come to my house.

Q. Did you tell Mr. Lake that you thought it would be better for him and his stockholders to take a sum of money, say a million and a half dollars, and let more experienced people handle the business end of the submarine matter?—A. I do not remember. In a very general way I encouraged the negotiation which Mr. Browne started.

Q. Did you state to him that you thought the Electric Boat Company had a very high opinion of his ability as an inventor, and they would be disposed to pay him a very high salary to act as consulting engineer?—A. It would be a natural thing to say. I think very likely. And he certainly would be entitled to that comment.

Q. How did you know the estimation in which he was held by the Electric Boat Company?—A. I think that I assumed that. He had had a very successful record.

Q. Did you tell him that you had any information of that kind from the Electric Boat Company?—A. I think that I might have got that idea when I talked with Mr. Rice over a year ago. I knew that they had a very high opinion of Mr. Lake's ability.

Q. You have testified several times that there was nothing said about this investigation in this interview between you and Mr. Simon Lake.—A. I have not stated that. I have not testified to that. I have testified that I did not remember any specific talk about it in connection with any proposition, but that the subject was generally referred to.

Q. Did he say whether or not he could stop the investigation?—A. I do not remember of his saying it, and I am satisfied that such an absurd statement would have lodged on my memory. A statement as absurd as that would have attracted my attention. It would be a perfectly ridiculous proposition, and as Mr. Lake has always impressed me as a sane man, I think that would have attracted my attention.

Q. What would you think of his condition when he said, "I told him," meaning yourself, "that I had absolutely nothing to do with this investigation in anyway, shape, or fashion. I did not know that an investigation was to be made. I hardly knew Mr. Lilley, having only just been introduced to him, and having met him, and I did not believe, even if I were disposed to stop this investigation which had been started, that there was any possible way in which it could be done."—A. I think that the statement in that regard—there was no way he could stop it, so very naturally——

Q. You have just stated he did not say he did not believe he could stop it.—A. No; I did not exactly say that. I intended to convey the idea that such an idea would be so absurd, if he had made the statement that he could stop it, or materially influence it, it would be so ridiculous that it would have attracted my attention, and therefore I am satisfied that he never did make any such ridiculous statement.

Q. Did you say to him that the Electric Boat Company would give a million in preferred stock and two million in common stock?—A. Not that I remember. I had no authorization, no serious proposition to submit to that effect; and if I had had, I would have remembered it.

Q. Then did you later say to him that they were disposed to give considerable cash—a million dollars in cash—and some other consideration in the nature of a royalty?—A. I was not in any position to make any serious proposition of that kind, and I certainly did not make it. I might have repeated some ideas of Mr. Browne who was endeavoring to bring the parties together, and was very suggestive.

Q. "Previous to the Newport trials, did not Mr. Rice dine with you, and did you not afterwards tell Mr. Simon Lake that Mr. Rice wished to know if some arrangement could not be made to buy out the Lake interests?"—A. Mr. Rice did not dine with me. There was a supper given to the Russian ambassador, at which Mr. Rice was present, that was the only occasion, and we had our legs under the same table, but I do not remember about any suggestion to that effect.

Q. Who gave the supper?—A. Saffonoff. He is the celebrated musician that led the orchestra at the coronation of Nicholas II.

Q. I suppose there was plenty of music at the supper?—A. Yes, and some champagne.

The CHAIRMAN. Mr. Littleton, do you care to have these questions submitted now?

Mr. LITTLETON. I do not care for them. A good many of them have been covered in the examination already made.

The CHAIRMAN. Is there any Member of the House of Representatives present who desires to ask this witness any questions?

Is there any other person present in person or by counsel interested in this investigation who wishes to ask any questions of this witness?

If not, Mr. Flint, the question of your producing the contract and the memoranda and letters referred to in the subpœna, and the answering of these questions relative to the possible make-up of a part of the cost to foreign governments of boats sold by you, will be considered by the committee, and if subsequent evidence makes it material for them to be answered, we shall have to insist upon your coming back and answering them and producing the contract. Until such time you may consider yourself as discharged.

TESTIMONY OF GRANT HUGH BROWNE.

GRANT HUGH BROWNE, being first duly sworn, upon being examined, testified as follows:

The CHAIRMAN. Mr. Howard, will you examine this witness?

By Mr. HOWARD:

Q. Will you give the stenographer your name, age, and place of business?—A. Grant Hugh Browne; age, 44; business, 115 Broadway, New York.

Q. What is your business?—A. Promoter, I think, from what I have heard to-day.

Q. What is a promoter?—A. I don't know. Some people would call me a broker. Others might call my business negotiation, but I think we are commonly known as promoters.

Q. Did you hear Mr. Flint's distinction between a promoter and a negotiator?—A. I heard it.

Q. Do you remember what it was?—A. Yes, sir.

Q. That a promotor used his breath and blew up the fire, and the negotiator did the cooking or skinning.—A. No; he called himself an organizer, and I disagree with Mr. Flint. I think that in most of the work that I have done, I commenced from the beginning and finished it.

Q. Where you merely commenced and somebody else finished; what are you, then, a promoter or organizer?—A. I think I would be a very cheap promoter.

Q. Promoter in the first stages?—A. Yes.

Q. Where did you learn this profession?—A. Being knocked about, cuffed about in the world.

Q. How long have you filled it?—A. I think since 1892 or 1893.

Q. Generally speaking, I do not want to inquire into your private business, but what luck have you had?—A. Generally speaking, some years good luck, other years very bad.

Q. What are the conditions that make the good years and the lean years?—A. The promoting business, from the time of Mr. McKinley's inauguration up to a year and a half ago, has been very profitable; since then there has been nothing doing.

Q. Would you like to see prosperity in promoting return?—A. Yes, sir.

Q. A promoter is a very good barometer of prosperity. Can't you promote prosperity?—A. Not without some assistance from headquarters.

Q. Then about what has been the range of your activity as promoter?—A. In what respect, sir?

Q. You have been in the business of promoting; about how many different divergent propositions have you succeeded in promoting?—A. A good many.

Q. Did you ever organize a Bible trust?—A. No, sir.

Q. Let us get the extreme.—A. I have organized what is commonly known as one of the lead trusts, the United Lead Company; what is commonly known as the lithograph trust, the Consolidated Lithograph Company; organized the American Farm Products Company, which is known as the butter trust; organized by-products company, which is a company in the South dealing with by-products of different kinds, deals in plants making turpentine and by-products. I have assisted in numerous other organizations, and in 1898, 1899, and 1900 I was located most of that time abroad buying some ships for the American Government in the Spanish war, and afterwards making contracts for war material on my own initiative with other governments.

Q. Have you ever run into the Sherman antitrust law?—A. No, sir.

Q. Did you ever hear of it?—A. I have heard of it.

Q. You have not been investigated yourself yet?—A. Not yet; no, sir.

Q. You know the law pretty well?—A. Fairly well; yes, sir.

Q. You have organized free from any contact with it?—A. Yes, sir; I have never had anything to do with rebates or the railroads, so that I had been rather far away from the penalties of the Sherman Act.

Q. No pure monopolies?—A. No, sir; no pure monopolies.

Q. In taking hold of this submarine project were you looking into the direction of a monopoly there?—A. I saw what I thought was a good opportunity for business.

Q. Now tell us all about that.—A. On March 19, going in from home to New York, I was reading the morning papers, and I had kept pretty well posted on what had been going on in Washington in this submarine investigation, simply from the standpoint of a layman whose interest was in all public cases.

Q. You had your nose up in the air then?—A. Yes; because I had taken up this same subject with Mr. Rice a year ago, and on March 19 of this year I reapproached him on that subject, and that reapproachment was occasioned entirely owing to the very forcible manner it was brought to my attention by the press; it was owing to no one's initiative but my own.

Q. Well, now, what was it that impressed you—that is, you said this is the second occasion; suppose you get back to the first; let us have the history of that.—A. A year ago in March—I should think the end of March, 1907—I met Mr. Rice once or twice and suggested to him the purchase of the Lake submarine business, and it struck me that his mind was very receptive. At that time he told me that he did not consider Lake had so much to sell. He did not think it

was worth while considering seriously. Of course, I advocated the Lake side of it without discussion with Mr. Lake. I did not see Mr. Lake; never saw him until I saw him here to-day.

Q. Was that in the interest of the promoter?—A. Nothing else.

Q. You had to get into it from one side or the other?—A. Had to get into it from one side or the other.

Q. You could not carry on the debate?—A. No.

Q. Go on; I am interested in your process. I may have to go into it myself.—A. And Mr. Rice had a very small idea of the value of the Lake patents, and I knew it was foolish to go on with the negotiations from his standpoint. I could not convince him that the *Lake* was worth considering very much, so he said something about not doing anything before the tests. I suggested to him to make a figure for the Lake people; if they were successful they would be paid a big price, what would be considered from my standpoint as a big price; if they were a failure pay them a nuisance value, which was put on the basis of 25 per cent to 100 per cent on the other. If the Lake people won at the Newport trials I think I suggested a million and a half to two million dollars; if the Electric boat defeated the Lake boat, then I would suggest 25 per cent of it. Lake had for ten or fifteen yeart been working very hard and was bound to make himself felt sooner or later, and I thought it was good business for Mr. Rice to own the Lake patents. I knew that the Lake patents, from the standpoint of laymen, from what I heard about them, were considered of some value abroad. After the Newport trials——

Q. Wait a minute; with reference to this conversation, where did it occur between you and Mr. Rice?—A. In Mr. Rice's office.

Q. How did you come to get in there?—A. Oh, I had known Mr. Rice a great many years.

Q. Did he send for you or you hunt him up?—A. I hunted him up.

Q. That was in March?—A. Yes.

Q. Anybody else in there when that conversation was going on?—A. Nobody.

Q. Was this the first conversation you ever had with him?—A. The first time I ever talked over any business matters with Mr. Rice. I met Mr. Rice first nine or ten years ago in Europe.

Q. You said in the event of the Lake people winning out at Newport you thought a million and a half to two million, and if they were beaten you would drop that down——A. To the 25 per cent.

Q. Where did you get those ideas about values?—A. Just simply suggested from my own standpoint, that is all.

Q. Did you know what the capital stock of the Lake people was?—A. No; I did not know what the capital stock of the Lake people was until about three or four weeks ago; never knew that they were capitalized even until about three or four weeks ago.

Q. Did Mr. Rice say anything about what was a fair valuation of that business?—A. No; Mr. Rice is a very able negotiator; he is always receptive without being suggestive. You must draw your own conclusions if you negotiate with him.

Q. You have to sort of crowd him?—A. Yes, sir; you must crowd him.

Q. And make it run out?—A. That is right. We did not get very far at that time until after the Newport trials. I went in to see Mr. Rice. "Well," he said, "we won out, Browne; we beat the Lake

boat." I said, "Yes; it looks to me that you beat them very adly; I guess they haven't even got a nuisance value." That was a year ago, and that was the last discussion until about a year afterwards.

Q. What is a nuisance value?—A. It is only a term applied by myself, I should think. If you own the Lake patterns they never would bob up again to compete with you; you could have them out of the way; take what you thought was good and use them for the improvement of his own boat, or at least he would have no competition from them.

Q. A nuisance value, then, applies to a thing that is merely fright for the timid?—A. Well, sometimes you are able to trade with it.

Q. Go on.—A. I may have seen Mr. Rice once or twice since.

Q. That second conversation after the Newport trial—is that all you got out of him?—A. That is all there was to it.

Q. No more talk than that?—A. No further talk with Mr. Rice at that time.

Q. Didn't he say that it was a good deal of "gall" for you to come around and talk to him after the Lake people lost at the Newport trials?—A. I said that to him myself. I said, "Mr. Rice, it would be a lot of nerve on my part to suggest carrying out the line of talk we have had; I have nothing more to say."

Q. Didn't you propose that he make an offer to buy out at a cheaper price?—A. Not less than $500,000.

Q. That you suggested to him?—A. Just 25 per cent of what the original price was to have been; that was a million and a half to two million.

Q. What did Mr. Rice say to that?—A. He agreed with me.

Q. To what extent?—A. To the extent that there was nothing doing.

Q. Would not even buy?—A. No, sir.

Q. How did you get from that encouragement over against Mr. Flint?—A. At that time?

Q. Yes.—A. I did not negotiate with Mr. Flint beyond that time up until this year, not in the submarines.

Q. Had you ever approached Mr. Flint prior to this year?—A. Oh, yes.

Q. About that same thing?—A. Yes.

Q. Let us have your first venture.—A. Any talk I had with Mr. Rice in the early stages of a year ago one or two talks about a plan I repeated to Mr. Flint. Mr. Flint had intended to speak to Mr. Lake about it, and Mr. Lake arrived from Russia, went out and rushed right off to Newport; he did not stop in New York, so that Mr. Flint never got to see him, and to my knowledge I do not believe that Mr. Flint ever repeated that to Mr. Lake at that time a year ago. Mr. Lake went down to Newport to the trials, and at least Mr. Flint told me he had not seen him. It is easy to fix the date by Mr. Lake himself, probably by the date he arrived from Russia, and he rushed to Newport the same day he got off the boat.

Q. Mr. Browne, what did Mr. Flint say he would say or do with Mr. Lake if he saw him?—A. He merely said he would repeat it and use his best influence—repeat my conversation to him and see what Lake would do.

Q. What part was Mr. Flint to take in this negotiation?—A. As broker, the same as myself, I should think.

Q. And did you have an agreement about price?—A. None at all.

Q. Why?—A. We had not got far enough along to look like real business. I suppose if we had got to the point where any money would have been paid we would both have been insisting on terms.

Q. As the matter stood, you did not want to put the branch in the fire before you had it corralled?—A. No, sir; there was not any money interest, and I did not ask him for an agreement and he did not ask me.

Q. Did you find Mr. Flint willing?—A. Always found Mr. Flint willing to negotiate.

Q. Did he say whether or not he had a line on Lake?—A. He said Lake was a very hard man to influence; he would repeat the conversation.

Q. Did he offer to put in any persuasion?—A. No, sir.

Q. Would not promise to make it go?—A. No, sir; he did not. There was very little evidence of making it go on anybody's part a year ago.

Q. What prospect did you have of making it go with Mr. Rice?—A. I think had Mr. Lake won out in the trials, I believe Mr. Rice would have made a trade of some kind; that is my own supposition.

Q. If Lake had won out?—A. If Lake had won out, yes.

Q. Now, then, you come down to this year and down to the 19th of March, I think you said?—A. Yes, sir.

Q. When, from what you saw in the newspapers, you thought it was time to go to see Rice again?—A. I thought it was time.

Q. What made you think so?—A. I thought here were two submarine companies; if they got to fighting for business and each were making equally a good boat, it was only a matter of time when they would cut out the margin of profit that was in it, and I thought they would both appreciate a negotiator to keep that from getting to that standard.

Q. What did you do?—A. Went to Mr. Rice.

Q. First?—A. Yes, sir; called Mr. Rice up on the 'phone the moment I got to my office from the train, about 11.30 in the morning. I came down on a later train than usual. I asked if Mr. Rice was in; they said, "Mr. Brown, come right up." I had not been to Mr. Rice's office I don't think for six or nine months before.

Q. What happened when you went up?—A. I went up; I have forgotten exactly what the greeting exactly was.

Q. Pass that over; it was warm?—A. Mr. Rice seemed to be very glad to see me. I said, "Why don't you buy out the Lake Company?" "Well," he said, "I don't think anybody can deal with them. I don't know whether they will sell. I don't think they will sell." I said, "I think they will." He said, "Are you authorized to deal, Brown?" I said, "Mr. Rice, if you should telephone and ask them they would say no, but I think we can deal," and he said, "What do you think they would do business for?" Well, you see I was up against it. I did not know anything what the other people would suggest. I did not know what Mr. Rice's resources were, so I thought perhaps they had stock in the treasury, and I said offhand, "A million preferred and two million common ought to buy them out." He said, "We have not got common stock;" he said, "make it two millions preferred."

Q. That is admirable; go on.—A. We discussed the Lilley investigation; rather I commenced the discussion of it, and I said, "Who is back of the Lilley investigation; what is the cause of it all, Mr. Rice?" He said, "Oh, you know yourself." I said, "I don't know; I had not thought of the subject," and then he turned to me; he said, "Now, Browne, if we make a trade I want to make you a proposition; if we make a trade for his interests that this business at Washington is to be stopped." I said, "Sure; let that be the sine qua non; I don't care." Then I went straight to Mr. Flint's office; I was at Mr. Flint's office within five minutes.

Q. Go right on; don't let that stop you.—A. I repeated most of the conversation, I think, to him, and he laughed, and I think Mr. Berg and Mr. Flint and myself were together. So I said to Mr. Flint, "Can you reach Mr. Lake?" "Well," he said, "I will try it to get him on the phone." And he phoned to him at the Engineers' Club.

Q. Before you got him on the phone what did he say to Mr. Flint?—A. I said it looks like some business would be done if Lake is willing to go in.

Q. Did you say anything more; did you get anything more definite?—A. There was never much talk with Mr. Flint; he rushed right for the telephone; he was ready to do business right away.

Q. Go on. You do not go about with a lawyer, do you?—A. No, sir; I do not.

Q. You have got your memory with you?—A. I try to have it with me. Mr. Flint and Mr. Berg left to go uptown to meet Mr. Lake, and Mr. Flint said he would telephone me later and arrange for an interview between Mr. Rice and myself and Mr. Lake and Mr. Berg and myself, and I think it was half past 2 before my secretary was able to locate me. He found me somewhere in the city, and he said, "Mr. Flint wishes to speak to you." Mr. Flint said to me, "I am at the Engineers' Club, Browne; can you get Mr. Rice and bring him up here?" I said, "I will go and see." I went to Mr. Rice's office. I think I was an hour finding Mr. Rice. Mr. Rice was out, and I tried to find him at different places. Finally I found him about half past 3, and Mr. Rice refused to go to Mr. Flint's house to meet him. I sat at Mr. Rice's desk and had his telephone in my ear. Mr. Rice sat on the armchair while I was talking with Mr. Flint. Mr. Flint was at the Engineers' Club. While I was talking, after we had been talking for some time, Mr. Rice asked me if I had objection to Mr. Frost being in the room. I said, "Certainly not." First Mr. Flint said, "Come to the Engineers' Club." I kept the phone at my ear and turned to Mr. Rice, and Mr. Rice said, "No." I said, "He won't come there, Mr. Flint." Mr. Flint says, "Come to my house." I turned to Mr. Rice and Mr. Rice shook his head; would not go there, and so I said, "Mr. Flint, he won't come to your house," and then I turned to Mr. Rice; I said, "Mr. Rice, why won't you go to Mr. Flint's house? There is nothing to be ashamed of in this business." He said, "I don't know; maybe it is a trap; somebody may be watching me." I said, "Where will you go?" He said, "I may go to one of my own clubs." So I called off a list of clubs, and Mr. Rice, he said, "Not a member, not a member, not a member." Finally I came to the automobile club, and he said, "Yes, a member." I said, "Will you go there?" He said, "Can Frost go with me?" I said, "Certainly." I said, "Mr. Flint, I will go to the Automobile Club." Mr. Rice

jumped up. He said, "Wait a minute until I see." Frost had gone out and probably Mr. Rice had the call to follow him. Mr. Rice followed outside and he came back and he said, "I won't go, Browne; won't go anywhere. They can come to the St. Regis Hotel if they wish." I repeated that over the telephone, and Mr. Flint said, "Never mind;" something of that kind. He said, "You come up to my house." I turned to Mr. Rice. I said, "If you won't go, will I go alone?" He said, "Yes, Browne; that is the safest thing for me and for everybody; you go alone. I have known you for years and you can go back and forth and there will be nothing said." I went to Mr. Flint's house and was there a couple of hours that night; left about 7 o'clock, got dinner, went to the St. Regis Hotel, saw Mr. Rice; got there about 9 o'clock or 9.30, something of that kind. In the meanwhile—I am ahead of my story. Mr. Flint had told me at his house there was nothing doing with Mr. Lake; he would not trade. His ideas were so big you could not touch him, and he said it was foolish to go on and try to trade with Mr. Lake. Well, I said, "I will see Mr. Rice anyway this evening." I went up to Mr. Rice myself that night and made a suggestion of a new plan, and that is for organizing a new company, in which I should find the capital for preferred stock, and the Electric Boat Company could participate by paying cash for the portion of the preferred stock, and Mr. Lake and Mr. Flint and his friends should participate by paying some amount of cash, and I think there was to be $5,000,000 of common stock. I do not think I ever repeated this to Mr. Flint at all. I made a slip of paper, which I handed over to Mr. Rice with these figures on: "Common stock $5,000,000, of which one million and a half were to be given to Mr. Lake for the Lake patents, a million and a half to go as a bonus with the subscribers to the preferred stock, and two million to be left in the treasury." Mr. Rice said, "Where do we come in by that subscription?" He said, "We can not do it; we can not do anything unless we can control. If you can fix that up so that we get control, bring it to me and show it to me." He left me and went to dinner. That was Thursday night.

Q. Nine o'clock?—A. Yes, sir; or 9.30. Friday I had breakfast with Mr. Flint at his house, or Friday morning, with him and Mr. Berg, and after some talk with him about the plan in general, he went up to try and see if he could get on further with Mr. Lake, that he would trade, and he phoned to me, "Absolutely nothing doing with Lake." At 2 or 3 o'clock Mr. Flint went to Philadelphia and the next morning, Saturday morning, I think, I saw Mr. Rice about noon or half past 12. One more suggestion; he would not trade unless he got 5 per cent royalty from the new company. This last suggestion was the result of the new company; it was to be the Lake Company, and Mr. Lake would not go in there unless in addition to his stock he would get out of it—he was to get 5 per cent royalty. I repeated that to Mr. Rice and I said, "Mr. Rice, the whole thing is going up in the air. Mr. Lake wants too much; he wants 5 per cent royalty now from the new company on the boats he will build." And Mr. Lake and Mr. Rice agreed with me and I have not seen Mr. Rice since. I did not know anything further about it until I read Mr. Rice's testimony on the stand.

Q. Have you read that?—A. Yes, sir.

Q. What do you say about it?—A. I think there was some truth in it and some untruth.

Q. What part is untrue?—A. I would rather you commence at the beginning; give me a copy and I will follow you very closely.

Q. This seems to be so substantially what you state; was anything said when the proposition was made that he would not trade or negotiate unless this investigation were stopped and you were free to assure him that it might be made——A. A sine qua non of the deal.

Q. Was anything said about who should stop it and what agency would be employed?—A. No, sir.

Q. Was anything said about Senator Bulkeley?—A. Name never mentioned.

Q. Never mentioned the agent you would employ?—A. No, sir; never knew Senator Bulkeley; in fact, I did not know he was Senator. I thought he was Governor Bulkeley. All I know about Congressman Lilley was that this was known as the Lilley investigation, and when he said, "This thing must stop, Browne, and it must be quick," I said, "Well, all right, Mr. Rice, make that the sine qua non of the deal, that is all right." If these people were back of it—of course if they would buy them out—that would settle it in my mind.

Q. And anybody else, I think.—A. Yes, sir.

Q. And nothing was said about Senator Bulkeley?—A. No.

Q. You named no agency to accomplish this?—A. No, sir.

Q. That was still in the air?—A. All in the air; yes, sir; every bit of it. Where he got that impression from I do not know. The last time I saw him I said to him, "Mr. Rice, do you know Senator Butler?" I think Mr. Flint had told me the last time I saw him that he thought Senator Butler was very friendly to Mr. Lake, and so I had seen something of that in the paper. I said to Mr. Rice, offhand, "Do you know if your people are trading in any way through Senator Butler with Mr. Lake?" He said, "No, I do not." That is the only suggestion of a name that could give anything like Mr. Bulkeley's.

Q. Did you have any money interest in the Lake boat at any time?—A. Never.

Q. Did you have any money interest in the Electric Boat Company at any time?—A. Never.

Q. Your efforts have been to get into some money interests in one way or the other?—A. I simply thought it was a good chance.

Q. Whenever you thought you saw a crisis in the affairs of either, you were alert enough to watch that opportunity?—A. I saw this opportunity.

Q. It seemed to you, too, that they were about to have the Newport trial; you saw an opportunity?—A. Yes, sir.

Q. Somebody was going to be beaten?—A. Bound to be.

Q. Whoever got beaten felt bad?—A. Sure.

Q. He felt bad and would take a suggestion?—A. Yes, sir.

Q. And anybody else would?—A. Sure.

Q. That disappointed you?—A. No; I think I forgot it.

Q. I can see the difference between a man's forgetting and his disappointment.—A. Yes.

Q. One consumes a lot of nervous energy and the other does not. Then you passed on and when this next crisis came this investigation started?—A. Yes, sir.

Q. Your memory came back to you?—A. Yes.

Q. You went right straight back?—A. Straight back to headquarters.

Q. You had hold of one end and Mr. Flint had the other end of the string?—A. Yes, sir.

Q. And started to pull it?—A. And started to pull it.

Q. You pulled both ends, and he could not pull Lake and you could not pull Rice?—A. That is right.

Q. Is that all you know about your own acts or Rice's in connection with this investigation?—A. Yes, sir.

Q. Have you anything to say or to do, directly or indirectly, connected with this investigation?—A. Nothing at all, one way or the other; never wrote a letter, received a telegram or letter; had nothing more, nothing at all.

By Mr. OLMSTED:

Q. Mr. Browne, you have done business with Mr. Flint before haven't you; it did not take you long to get acquianted this time?—A. Did some business for Mr. Flint during the Spanish-American war.

Q. Have you ever done business with or for the Electric Boat Company?—A. No, sir.

Q. Or any of its officers?—A. No, sir.

Q. Or the Holland Boat Company?—A. No, sir.

Q. Or the Lake Torpedo Boat Company?—A. No, sir.

Q. How did you ascertain three or four weeks ago what the capital stock of the Lake Boat Company was?—A. I asked Mr. Flint.

Q. You left Mr. Rice under the impression that you represented the Lake Torpedo Boat Company, did you not?—A. No; I think I left him under the impression that I was familiar enough with Mr. Flint and that Mr. Flint was familiar with Mr. Lake, so hat it was a good channel to do business if there was any opportu ity of doing it, if he desired to do business.

Q. You knew that Mr. Flint represented the Lake Company abroad?—A. Yes, sir. And there is another point that came to my mind. Mr. Berg, who had associated with Mr. Flint, had arrived also and I thought that was a good time the interests were in America and if we could get anything out of Mr. Lake that was the time.

Q. And if you could get anything out of Mr. Rice that was a good time to do it?—A. Well, Mr. Rice was always in a receptive frame of mind and never was suggestive.

The CHAIRMAN. Senator Thurston, have you any questions you want to ask?

Senator THURSTON. Not any.

The CHAIRMAN. Does any Member of the House of Representatives want to ask this witness any questions?

Mr. Littleton submits the following questions. There is no objection to the questions being asked:

By Mr. OLMSTED:

Q. Did you call at Mr. Rice's office on the 21st of March, and, finding him out, leave the memorandum for him which is now shown you?—A. Yes.

Q. That was the 21st of March of this year?—A. That was Saturday; Thursday was the 19th, Friday the 20th.

Q. This reads as follows: "Dear Mr. R.: L. is still standing for royalty. Will see you Monday. B." You left that for Mr. Rice?—A. Yes; that is *right.*

Q. On the 21st of March, 1908?—A. Yes; that is right.

The CHAIRMAN. Was there any other memorandum or letters that passed to or from you that related to this thing that you brought with you?—A. No, sir; I have nothing at all.

Q. Why did you leave this memorandum?—A. The last talk that I had had with Mr. Rice—I do not know whether it was that Saturday morning or the Friday night before—I told him that as I referred in my testimony about the idea of organizing a new company, which would be the Lake Torpedo Boat Company, and that Mr. Lake should have a certain proportion of that stock; that all the other stock with the exception of the stock which went as a bonus, and the preferred stock, which was to be paid for in cash, should be in the treasury. It was not agreeable to Mr. Rice, and in the meanwhile I got a message from Mr. Flint, or when I saw him, that Mr. Lake would also require 5 per cent royalty on all the boats that that new company would make. That I had either repeated to Mr. Rice there this day or the day before, and then I called up Mr. Flint on the 'phone and he said, "You can't get the 5 per cent royalty out of Lake's head from the new company."

Q. Whose?—A. Mr. Lake's. So I went into Mr. Rice's office and left that message.

Q. Whom do you mean by L.?—A. Lake.

Q. And B.?—A. Browne, myself.

Q. Grant Hugh Browne?—A. Yes, sir.

(Questions submitted to the committee by Senator Thurston to be asked the witness.)

The CHAIRMAN. Mr. Olmsted will not only submit the questions, but conduct the inquiries suggested by them as fully as possible.

Mr. OLMSTED. I will put to you the questions in the form submitted by Senator Thurston.

By Mr. OLMSTED:

Q. Did you have any intimation from anyone that Lake insisted on the royalty?—A. Only from Mr. Flint.

Q. Did Mr. Flint tell you that Mr. Lake insisted on the royalty?—A. He did. You must understand that this talk refers to the new company to be organized for the Lake Torpedo Boat Company, nothing to do with the Electric Boat Company at all, but the details of the negotiation for the organization of this company which would go on and be organized between Mr. Lake and Mr. Flint themselves or their banking friends; I represented to Mr. Rice the details of that organization, so that Mr. Rice any time, if he wanted to, could make a proposition for the purchase of the controlling interest.

Q. The next question is: Did Mr. Flint tell you that he had submitted to Mr. Lake any plan such as you had talked about with Mr. Rice?—A. No; Mr. Flint would come back to me and say, "That will never do, Browne; Lake won't deal at all on those terms; he won't deal at any such terms," and I think until it came to the organization of the new Lake Torpedo Boat Company, I think that Mr. Flint must have discussed that thoroughly with Mr. Rice, because he represented it to me.

Q. To Mr. Rice?—A. I mean Mr. Lake, because he represented that to me, and Mr. Lake was standing out for such a large interest in it that it seemed absolutely impracticable, as it turned out to be.

Q. Then when you left that memorandum for Mr. Rice you understood that you were speaking by authority of Mr. Lake, reached through Mr. Flint?—A. I was speaking by authority. I did not know whether Mr. Lake knew that Mr. Flint would pass that on to me and let me run to Mr. Rice with it or not. But Mr. Flint did tell me that Mr. Lake insisted upon 5 per cent royalty upon all the boats that the new Lake Torpedo Boat Company should build, and that I did repeat to Mr. Rice, and both Mr. Rice and I thought it was too much entirely to ask, and that was practically the stopping of all negotiations.

Q. When you speak of the royalty, you mean in the new company to be formed?—A. Yes, sir; that new company originated probably in my mind, perhaps with Mr. Flint's tentative admission.

Q. Mr. Lake, as you understood from Mr. Flint, was agreeable to it, and insisted upon 5 per cent royalty?—A. Yes, sir; I understood Mr. Lake was agreeable to any company organized in which he could have one-half of all the capital and 5 per cent royalty.

Q. Who was to have the other half of the capital?—A. That was to be sold for working capital.

Q. What was Rice to get; I do not see where he would come in?—A. Had we gone any further, our next step would have been to have taken an option for a year from Mr. Lake for his 50 per cent and that option I would trade with that to the best of my ability, if we got that far, sell that to whoever would buy it.

Q. Then, if I understand, the new company was to be formed to take hold of the Lake patents and business?—A. Yes.

Q. Of that Mr. Simon Lake was to have 50 per cent?—A. Fifty per cent of the actual issue of stock.

Q. And the other 50 per cent was to be sold?—A. Yes, sir.

Q. And that you hoped to sell to Mr. Rice?—A. No; not the first 50 per cent. The first 50 per cent, we hoped to sell him some of that, but to take an option on Mr. Lake's 50 per cent and to deal with Mr. Rice on that.

Q. You hoped to sell him the 50 per cent which Mr. Lake was to get?—A. Yes, sir.

Q. And then the other 50 per cent you would sell if you could?—A. No; whoever wished to subscribe for the actual cash.

Q. The cash was to be put in?—A. Yes; I don't think that Mr. Rice indicated any willingness to put money into the new company. I think that certain bankers or friends of Mr. Flint's, who were willing to put money into this new company, they were willing to finance the financial end.

Q. At what price was this 50 per cent of the stock offered to Mr. Rice?—A. It never was offered, I don't think. I think that I suggested to Mr. Flint to offer Mr. Lake $1,000,000, $100,000 down and balance at the end of the year for the 50 per cent. Mr. Flint laughed or something and he said, "Lake would never do it." That was never repeated to Mr. Rice at all.

Q. Did Mr. Rice ever authorize you to make an offer of a million dollars?—A. No, sir; Mr. Rice never authorized me to make an offer of any kind.

The CHAIRMAN. Do you have any other questions, Senator?

Senator THURSTON. Nothing further.

The CHAIRMAN. I think that is about all. I would like to ask one question. It has little bearing on this case, it may be of interest to all the members of the legal fraternity, perhaps. We are very much interested in your description of the methods adopted by the promoter.—A. Thank you.

The CHAIRMAN. When a promoter knew that two parties might be brought together, goes to A, as you did in this case to Mr. Rice, because you knew him, and, as you say, allows him to infer that he has some method of coming in contact with the other party, so that you can get a hearing?—A. Yes, sir.

The CHAIRMAN. Does not that explain a possible divergence in the statement afterwards made by A and B even as sworn witnesses?—A. Yes; it does.

The CHAIRMAN. That is A is allowed to think that you represent B?—A. Yes.

The CHAIRMAN. And you make certain statements which he thinks you make on the authority of B?—A. Yes, sir; that is so.

The CHAIRMAN. You allow him to think so, and afterwards in conversation the thing forms itself in A's mind this way, that B sent such-and-such a proposition; that is the natural inference, isn't it?—A. Yes.

The CHAIRMAN. Afterwards, when B's attention is called to it, he says, "I never made such a proposition?"—A. Yes, sir.

The CHAIRMAN. Which is quite a natural thing for him to think.—A. And usually true, yes.

The CHAIRMAN. I think, then, I deserve the thanks of the legal profession for having discovered a very fruitful source of what appears to be an irreconcilable discrepancy of witnesses—each thinks he is telling the truth; is that not so?—A. That is true.

The CHAIRMAN. Senator Thurston, on Saturday afternoon you identified one of the letters you dictated. Here is another that was handed in; I just wanted to identify that as to whether it was dictated by you.

Senator THURSTON. When I identified this letter here on March 19 I did not exactly recognize, as I hastily glanced over it, my usual lines of statement altogether, and I am inclined to believe that I dictated something similar to this, and my dictation when run out was perhaps taken up by Mr. Lilley's attorneys from Connecticut, and very possibly it was changed somewhat. Yet the substance of this is my dictation.

The CHAIRMAN. You referred to letter of March 19, which you identified on Saturday?

Senator THURSTON. Yes, sir.

The CHAIRMAN. The one addressed to "Mr. Chairman," and signed "George L. Lilley." Here is that letter marked "J."

(Letter referred to is as follows:)

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 19, 1908.

MR. CHAIRMAN: Your committee at the opening of this inquiry denied me the privilege of being represented by counsel except in an advisory capacity; and especially denied me the privilege of having witnesses called in the order in which my attorneys might advise would be best calculated to bring out all the facts, and of conducting the examination of witnesses through an attorney, which seems to be the only manner, as all experience shows, to bring out the true facts from witnesses when placed upon the stand.

I dismissed the attorneys I called in to conduct for me the investigation, and it now seems manifestly unfair to me that counsel or the parties under investigation should be permitted to argue questions arising or that may arise during the investigation. The committee has undertaken the responsibility of examining witnesses in its own way, making its examination thorough or otherwise as seems its pleasure. I may hereafter in the proper place criticise this method of procedure, and claim that your committee in proceeding, as you necessarily must without professed knowledge of the facts that might be developed from the different witnesses, could not in the very nature of things reach satisfactory results.

As to the matter of this committee deciding legal questions, such as the competency of witnesses, or the right to send for and examine books of accounts, records, vouchers, correspondence, and other documentary evidence, I make no question. The lawyers composing this committee are undoubtedly qualified to determine what the law is in this respect without the aid of counsel upon either side.

All I care to now state is this—that the best evidence, the necessary evidence, the complete and convincing evidence from which it can be determined how far the Electric Boat Company, and its predecessor, the Holland Torpedo Boat Company, has made large expenditures in its attempts to influence legislation must necessarily be in the possession of the officials of the Electric Boat Company and its predecessor, and it is difficult to understand how any real investigation can go on without the production and examination of such records. All these records have been kept and are within the sole knowledge of these companies' officials. I am not asking that any of these records be produced, except such as will show the employment of an unusual and unnecessary corps of assistants in securing legislation, and such as show the expenditures of large and excessive sums made for the purpose of securing legislation, and which are unwarranted upon any other possible theory than that such influences have been generally made.

If the Electric Boat Company and its officials really desire—as they have publicly announced—a real investigation, I can not see, and do not think this committee can see; nor do I believe the House of Representatives and the country will see why these records of theirs should not be produced, or why it is necessary for them to present arguments here of distinguished advocates in opposition to the demand for their production.

Respectfully,

GEO. L. LILLEY.

Hon. H. S. BOUTELL,
Chairman Special Committee.

Senator THURSTON. That may be my dictation in whole, but I am inclined to think that my dictation was not as full as that, and that it was revised.

The CHAIRMAN. This is long after the Connecticut attorneys were here; this is March 19, relating to matters which were then handed in to the committee.

Senator THURSTON. But I think that dictation was made while they were here.

The CHAIRMAN. We want to be sure that that is identified in the record. This he handed in along with some matter which we showed Mr. Neff had very largely prepared, clippings from papers, and so on.

Senator THURSTON. I do not think I dictated any part of that, or ever saw it.

The CHAIRMAN. I call your attention to the things that were included in it.

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 19, 1908.

MR. CHAIRMAN. Your committee has, I confess somewhat to my surprise, permitted witnesses—both those who could by reason of expert knowledge know something of the construction, qualities, and cost of our present submarines and also those who could have no possible expert or other knowledge as to the construction, performances, efficiency, and cost of these submarines—to give as part of their supposed testimony glowing accounts of the remarkable qualities of the Electric Boat Company's submarines; and having thus established the precedent, and in order that the question of the

cost and efficiency of these boats may be presented on both sides, I submit the following, consisting of:

First. Extracts from the testimony of distinguished naval officers as to the cost of these boats, value of patents, etc., all of which testimony is of record in House documents therein referred to.

Second. A number of clippings from leading journals of the country setting forth in more or less detail the failure of the present submarines of the United States Navy in their experimental and other performances, which indicate that they are of but little practical value as defensive or offensive weapons as against any skillfully directed attack of a hostile fleet. It would appear as if the continuing failures of the present type of submarines in actual tests of efficiency is a complete answer to the somewhat ornamental and oratorical exploitation of them by the expert and nonexpert witnesses who thus appeared before your committee.

The newspaper clippings contained in the attached presentation are as follows: Army and Navy Register, March 14, 1908; New York Herald, June 5, 1907; Army and Navy Journal, March 14, 1908; Newport News Press, April 22, 1906; Newport News Press, May 4, 1906; New York World; Army and Navy Journal, October 26, 1907; New York Herald, February 22, 1908; Chicago Examiner, November 15, 1906; New York Sun, February 2, 7, 11, and 20, 1908; Army and Navy Journal, January 20, 1906; also House resolution No. 264.

Respectfully,

GEO. L. LILLEY.

Hon. H. S. BOUTELL,
Chairman Special Committee.

Senator THURSTON. No, I know I did not see this part.

The CHAIRMAN. Those are what Mr. Neff testified to. There is one here that has the hall-mark in.

Senator THURSTON. Yes; I dictated that.

(The letter referred to is as follows:)

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 16, 1908.

Hon. H. S. BOUTELL,
Chairman Special Committee, House of Representatives.

MR. CHAIRMAN: The committee having ruled that it will not permit me to be represented by counsel in the examination of witnesses who may be called upon to testify upon the subject-matter of charges against the conduct of the officers and agents of the Electric Boat Company and its predecessor, the Holland Torpedo Boat Company, in attempting to unduly influence the Congressional action, I am compelled to state to the committee that not being an attorney, and having no experience that would enable me to frame and present, as the examination proceeds, suitable questions to be asked of the witnesses upon the witness stand, therefore, I am unable to assist your committee in any effectual way in the examination of witnesses; and can do but little except to give your committee, as I have and will from time to time, the names and addresses of witnesses from whom I believe can be obtained all necessary testimony to substantiate the spending charges if examined in a thorough and vigorous way.

The responsibility of such an examination, after the action and ruling of your committee, must necessarily from this time on be with and upon the committee.

I will from time to time in a general way inform your committee in writing, as required by your decision, of the general line of examination of the witnesses produced upon the witness stand.

These general suggestions, however, will in my opinion be of little value to the committee, and the development of the facts must depend almost entirely upon the character of inquiry prosecuted by the members of the committee, in whose great learning and experience as attorneys the House and the country undoubtedly have confidence.

Respectfully,

GEO. L. LILLEY.

Senator THURSTON. I don't think I dictated that letter or ever saw it, dated March 30, to the chairman.

(The letter referred to is as follows:)

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 30, 1908.

MR. CHAIRMAN: At the last meeting of this committee, in accordance with the assurances given me by your committee that any questions I might submit in writ-

ing would be asked of the witnesses through a member of the committee, I presented in writing a list of questions, twenty-five in number, which I requested to have asked of any witness that testified that the *Octopus* type of submarines are worth more than $745.45 per ton. A few of these questions, preliminary in character, were covered by the examination conducted by the committee, but none of the other questions were put to Admiral Capps, who testified on the subject of the cost of submarines.

Presuming that this failure to ask my questions was unintentional, I respectfully ask that Admiral Capps be recalled and that my questions be propounded to him in the language and in the order requested by me.

Respectfully,

GEO. L. LILLEY.

Hon. H. S. BOUTELL,
Chairman Special Committee, House of Representatives,
Washington, D. C.

Senator THURSTON. That letter of March 28 and addressed to the chairman and beginning: "It is a matter of common information that in every successful investigation of corporate transactions."

(The letter referred to reads as follows:)

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 28, 1908.

MR. CHAIRMAN: It is a matter of common information that in every successful investigation of corporate transactions where money has been expended for other than legitimate corporate purposes that the only successful method by which the real facts have been disclosed has been through the employment of skilled accountants, who are alone capable and qualified to run down corporate accounts and locate expenditures of money which in the very nature of things are generally covered up as far as possible by bookkeeping methods designed and intended to defeat any attempt that might be made to disclose the true transactions.

It must necessarily be almost impossible for your committee proceeding on its own initiative in the examination of witnesses and records to bring to light the character of expenditures that have been made by the Electric Boat Company and its predecessor in securing legislation and appropriations, especially as your committee has denied me the privilege of being represented by an attorney in the conduct of such examination. Therefore, in order that the exact facts may be established, and that no injustice may be done to the officials of the Electric Boat Company or to others concerned, I suggest the propriety of the employment by your committee of one or more skilled expert accountants to examine the records, accounts, vouchers, checks, and other documents that may be brought before your committee, and I further suggest that such experts, if appointed, be put upon oath to make thorough investigation and accurate report as a basis upon which alone your committee will be able to fully interrogate the witnesses (officials of the company) when placed upon the stand.

Respectfully,

GEO. L. LILLEY.

Senator THURSTON. There is just one other statement that I wanted to make. In looking over those numbered questions that were submitted to the committee, I think I noticed that the closing statement, such as the committee has suggested were my hallmark, has been attached to these, or some of them, but I repeat again, I knew nothing about those questions, and I presume that whoever had written my other letters with that closing quotation added that to these letters.

The CHAIRMAN. The committee will take a recess until 11 o'clock to-morrow morning.

(Thereupon the committee adjourned until to-morrow, Tuesday morning, April 21, 1908, at 11 o'clock.)

HOUSE OF REPRESENTATIVES,
Tuesday, April 21, 1908.

The committee met at 11 o'clock, a. m.

All members of the committee were present.

The CHAIRMAN. The committee will be in order.

I will call Mr. Osborn.

Mr. LILLEY. May I make a statement?

The CHAIRMAN. This is the New York expert that Senator Thurston asked a question of, and we would like to have him complete that, because he has work to do with the expert at the Government Printing Office, and he is going there to meet him.

Senator THURSTON. I asked the other day this witness might examine the specimens of typewriting which I presented to the committee, just for my own satisfaction, and I would like the committee to ask if he has examined them and what his conclusion is as to the typewriter that it was written on. And I would like to have any detailed statement in connection with it, and to have him say the process by which he reached that conclusion.

TESTIMONY OF ALBERT S. OSBORN—Recalled.

I have examined it and in my opinion the specimen, Exhibit 109, was written on the same machine as that upon which the Exhibits "C 1, 2, 3, and 4" and the anonymous letter are written on, although there are some slight characteristics of the machine in the way of alignment that are just a little different at this time. That is, changes that might be easily corrected in the case of a few weeks' use of the machine, or, of course, they might be deliberately changed. What I mean is that upon this particular machine the matter of alignment is a very easy one to change. That is, if a letter is abnormally out of alignment very badly, it is a simple matter to simply with the fingers bend the bar so as to correct that somewhat. The particular question was in regard to the "n" and "v." My testimony was that the "v," which printed a little heavier than the other letters, indicated that the face of the letter had been somewhat broadened, perhaps by a conflict with some of the metal parts of the machine. Also that the "n" printed somewhat heavily on the left-hand side of the letter. Now that is true in both statements of most of the letters upon this specimen. The one in statements—the "n"—fifth line from the bottom, is distinctly heavier on the left-hand side on the second line from the bottom. The comparison between the letters immediately preceding and following the two "v's," shows the "v's" a little heavier face of letter, but if the "n's" are struck very heavy this distinction between the right and left hand side disappears, because both sides become heavy.

The CHAIRMAN. Anything else, Senator?

Senator THURSTON. No, I think, Mr. Chairman.

The CHAIRMAN. You looked at the sheet that Mr. Neff sent in as an original of one of the carbon copies?

A. Yes; two of the sheets.

The CHAIRMAN. From the Smith Premier?

A. Yes, sir.

The CHAIRMAN. Did you find it was so written and corresponded with the others?

A. That is, corresponded with the other machines of that character—that is, with the specimens marked "C 1, 2, 3, and 4," and the two anonymous letters.

By Mr. OLMSTED:

Q. What do you mean by saying it corresponded?—A. That is, it is written upon the same machine.

Q. You and the other gentlemen who were here with you, Mr. Carvalho and Mr. Kinsley, examined some other papers?—A. Yes; we examined that whole group of papers and put them into two classes, those that in our opinion were written upon the same typewriter that sheets "1, 2, 3, and 4" were written upon and those that were not.

Q. Have you the papers; any way of identifying them there?—A. Yes.

Q. Have you written a report upon it?—A. Yes; we made a combined report. That is our summary, stating that the sheets that were written upon the same machine as "C 1, 2, 3, and 4," which are numbered from "C 1" to "C 8" inclusive——

Q. "C 1" to "C 8," does that include the original "C?"—A. Includes the original "1, 2, 3, and 4," and the other sheets are not numbered, but are put by themselves.

Q. What do you mean by the other sheets?—A. Those that were not written upon this particular machine.

Q. Now, then, let us see that we understand. You have a printed report. You might just insert the report and get it on the record.

SELECT COMMITTEE APPOINTED UNDER H. RES. 288,
Washington, D. C., April 20, 1908.

Report on identification on typewriting submitted to us by your committee and supplemental to our testimony of Saturday, April 18, 1908:

We have been asked to put into one class all typewritten papers included in typewritten interrogatories submitted by Hon. George L. Lilley to this committee which are in our opinion written on the same typewriting machine as exhibits marked C1, C2, C3, C4, and anonymous communications on New Willard Hotel letter paper and Postal Telegraph Company blank and the envelopes accompanying those communications.

This examination we have made and have put the typewritten interrogatories into two classes, designated as follows: "C1, C2, C3, C4, C5, C6, C7, C8," and all others not written upon this particular machine are unnumbered and put by themselves.

In one instance we find a series of interrogatories which bear date March 30, 1908, the first page of which contains 16 interrogatories, the last of which is: "State whether or not funds are given to any officer or representative," etc., is written on the L. C. Smith machine, upon which was written Exhibit 107, a machine different from that upon which Exhibits C1, C2, C3, C4 were written, while the remaining pages of these interrogatories, beginning with the conclusion of the last question on the preceding page "of the Electric Boat Company for discretionary disbursement, and if so, to whom," the 17 additional pages numbered from 2 to 19, inclusive, have been written upon the typewriter upon which was written Exhibits C1, C2, C3, C4. These pages we number Exhibit C6.

The following numbered sheets were, in our opinion, all written upon the same machine upon which was written the sheets marked C1, C2, C3, C4, and the anonymous communications, and we have marked them C5, consisting of two pages.

The paper marked C7, consisting of one mutilated page, and attached, when received by us, to a mutilated page signed George L. Lilley in lead pencil, containing several typewritten interrogatories, was written on a machine different from the one on which Exhibit C7 was written, this page marked C7 having been written on the same machine that wrote Exhibits C1, C2, C3, C4.

The paper marked C8, one page, was also written on the same machine that wrote C1, C2, C3, C4, and the anonymous communications.

The undersigned in arriving at conclusions given in our testimony on April —, 1908, worked independently of each other; but in making up this report, to save time, have worked together.

All of which is respectfully submitted.

DAVID N. CARVALHO.
WILLIAM J. KINSLEY.
ALBERT S. OSBORN.

Senator THURSTON. I don't know that it makes any particular difference, but I would like to have it definitely shown here, as it appears to me to be the fact from this testimony that the only communications that appear to have been written on this same typewriter were those containing the numbered questions as to which my testimony is that I did not dictate and there appears to have been none of the communications that I dictated written upon that typewriter.

The CHAIRMAN. By communications you mean in the form of letters?

Senator THURSTON. Yes.

Mr. OLMSTED. I do not think any of them were submitted to them at all.

Mr. LILLEY. May I make a statement now?

The CHAIRMAN. Certainly, Mr. Lilley; and I only allowed him to take precedence because he had to meet the expert.

HOUSE OF REPRESENTATIVES U. S.,
Washington, D. C., April 21, 1908.

MR. CHAIRMAN: Inasmuch as the committee indicated yesterday that it had the power, and would exercise it if it deemed it necessary, to compel Mr. Charles R. Flint, a party not within the scope of this inquiry, to produce his contracts for the sale of the Lake submarines to foreign governments, in order that the committee might ascertain from that evidence whether the Electric Boat Company had made undue profits in the sale of Holland boats to the United States Government, I would suggest that the committee gain the desired information by the more direct method of exercising the same power to compel the Electric Boat Company, whose conduct is under investigation, to produce its construction contracts and other papers and evidence showing the cost of producing the Holland boat, in order that the committee may compare the actual cost of the Holland boat with the prices charged the United States Government; and to the same end I ask to add to my request for subpœna for Admiral Bowles that the summons require him to bring with him all agreements, books, memoranda, and writings of any description relating to any and all contracts heretofore made between the Electric Boat Company and the Fore River Shipbuilding Company.

GEO. L. LILLEY.

The CHAIRMAN. This request will be considered by the committee in connection with the undecided propositions in reference to the production of books and answering of questions, which will be held in abeyance, and will be decided later. The committee expected this morning to take the testimony of Mr. Whitney, who was subpœnaed some weeks and was excused from constant attendance here, because he said he would respond at any time upon a telephone call. The committee expected to have him here this morning, but upon telephoning his office it was reported that he had been ill at his hotel, and upon telephoning his hotel it was stated that he could not respond to the telephone, so that the taking of his testimony will have to be deferred until some other time. Therefore for those reasons, and owing to the engagement of some members of the committee in the House——

Mr. LITTLETON. Before you make final adjournment, may I ask you to have this made part of the record, which is the original grant

of the patent to Charles Preston Nelson, Serial No. 243476, dated January 3, 1907, and the assignment from Charles Preston Nelson to Elihu B. Frost, dated January 26, 1905, recorded in the Patent Office January 31, 1905, Liber I 71, page 93?

The CHAIRMAN. The Commissioner of Patents wrote a letter which Mr. Lilley submitted, saying that no patent had been granted. Is this the same name as the person about whom the Commissioner of Patents wrote, Charles Preston Nelson?

Mr. LITTLETON. Yes, sir.

The CHAIRMAN. That appears to be a contradiction of the information that is furnished this committee, and the committee will take these documents into consideration. The grant of the patent and the assignment may be spread on the record.

[Serial No. 243476.]

DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE,
Washington, D. C., January 3, 1907.

CHARLES PRESTON NELSON, Assignor,
Care of Pennie & Goldsborough, Washington, D. C.

SIR: Your application for a patent for an improvement in nonfogging optical instruments, filed January 31, 1905, has been examined and allowed.

The final fee, $20, must be paid, and the letters patent bear date as of a day not later than six months from the time of this present notice of allowance.

If the final fee is not paid within that period the patent will be withheld, and your only relief will be by a renewal of the application, with additional fees, under the provisions of section 4897, Revised Statutes. The Office aims to deliver patents upon the day of their date, and on which their term begins to run; but to do this properly applicants will be expected to pay their final fees at least twenty days prior to the conclusion of the six months allowed them by law. The printing, photolithographing, and engrossing of the several patent parts, preparatory to final signing and sealing, will consume the intervening time, and such work will not be done until after payment of the necessary fees.

When you send the final fee you will also send, distinctly and plainly written, the name of the inventor and title of invention as above given, date of allowance (which is the date of this circular), date of filing, and, if assigned, the names of the assignees.

If you desire to have the patent issue to assignees, an assignment containing a request to that effect, together with the fee for recording the same, must be filed in this Office on or before the date of payment of final fee.

After issue of the patent uncertified copies of the drawings and specifications may be purchased at the price of 5 cents each. The money should accompany the order. Postage stamps will not be received.

Respectfully,

F. I. ALLEN,
Commissioner of Patents.

ASSIGNMENT.

Whereas I, Charles P. Nelson, of Annapolis, county of Anne Arundel and State of Maryland, have invented certain new and useful improvements in nonfogging optical instruments, for which I am about to make application for letters patent of the United States, which application has been duly signed and sworn to by me on the day of the date of these presents.

And whereas Elihu B. Frost, of New York, borough of Manhattan, county and State of New York, is desirous of acquiring my entire right, title, and interest in and to the said invention and the letters patent therefor when granted:

Now this indenture witnesseth that for and in consideration of the sum of $1 in hand paid to me, the said Charles P. Nelson, by the said Elihu B. Frost, the receipt whereof is hereby acknowledged, I have assigned and transferred, and hereby do assign and transfer to the said Elihu B. Frost all my right, title, and interest in and to the said invention and any letters patent that may be granted therefor, the same to be held and enjoyed by the said Elihu B. Frost, for his own use and behoof and

for the use and behoof of his heirs or assigns, to the full end of the term for which said letters patent may be granted, as fully and entirely as the same would have been held and enjoyed by me if this assignment and sale had not been made, and I do hereby request and authorize the Commissioner of Patents to issue said letters patent, when granted, in accordance with this assignment.

In further consideration of said sum of $1, to me in hand paid, I covenant and agree with the said Elihu B. Frost that I have a full and inencumbered title to the invention, the entire interest in which is hereby assigned, which title I warrant unto said Elihu B. Frost.

I testimony whereof, I have hereunto set my hand and affixed my seal this 26th day of January, 1905.

CHARLES PRESTON NELSON. [SEAL].

Signed, sealed, and delivered in presence of—
W. M. MARSH.
P. F. REARDON.

STATE OF RHODE ISLAND, *County of Newport, ss:*

On this 26th day of January, 1905, before me personally appeared the above-named Charles P. Nelson, to me known and known to me to be the individual described in and who executed the foregoing instrument, and who acknowledged to me that he executed the same.

FREDERICK H. PAYNE,
Notary Public, Newport County.

(Recorded in Patent Office, January 31, 1905, Liber I 71, p. 93.)

Mr. OLMSTED. Mr. Lilley, may I ask you a question?

Mr. LILLEY. Certainly.

Mr. OLMSTED. If we conclude to go into that matter of cost at all, do you not think it would be well to have the record of both companies so that if one company can make the boats cheaper than the other we would know it?

Mr. LILLEY. I have no objection to getting costs from not only the companies but all shipyards. I thing the Newport News Ship Building Company, Bath Iron Works, and various others could give you a good deal of information on costs. I certainly have no objections to the committee getting it.

Mr. OLMSTED. Getting it from any source we can?

Mr. LILLEY. Certainly; and I want to aid you in doing so. Have you anything further?

Mr. OLMSTED. No.

Mr. LITTLETON. In reference to this question of costs, I desire to call attention to the fact that when Admiral Capps was on the stand he testified that there was in his posession a confidential detailed statement of the cost of the *Octopus*, made after a verification, from the officers of the Electric Boat Company. That was then confidential. Since that time the Electric Boat Company have released Admiral Capps and the Navy Department from any obligations of confidence in reference to detailed cost under oath of the exact cost of the *Octopus*, which is a standard boat, and I advised the committee if they sent for that verified detailed statement of itemized cost, which was made with the greatest pains and care, and which was regarded as confidential, they could obtain that cost. We have released them from any confidence concerning it.

The CHAIRMAN. The committee has that in mind as well as the fact that there was spread upon the record of the committee, without any verification, at Mr. Lilley's request, in Part IV, everything that he had been able to secure relating to the cost of production. The committee also has in mind the testimony of Admiral Capps and the

testimony given yesterday by the selling broker of the Lake Company. All this, of course, will be taken into consideration by the committee in determining whether, within the scope of our authority, it is necessary to go into any further technical evidence as to the cost of these boats. Of course if there appears to be anything so irreconcilable in the testimony of witnesses for the two companies that would seem to indicate that the boats were being sold by either company in this country for a larger price proportionately than they were abroad and that the United States Government, as testified by Mr. Lilley, was suffering enormous loss through mere financial or business incompetency, then this committee would make the most thorough examination of the cost of construction of both boats, and the sales price, commissions and division of profits of boats sold abroad, by either or both of these companies. There can be no intelligent conclusion reached by this committee as to whether the United States was being defrauded in these contracts unless we knew at what price other purchasers could secure the boats and the basis of the division of profits and commissions, and all of that will be expert evidence and the examination of that evidence would then be necessary.

The committee will stand in recess, then, until Thursday, at 10.30 a. m.

(Thereupon the committee adjourned until Thursday morning, April 23, 1908, at 10.30 o'clock a. m.)

HEARINGS UNDER HOUSE RESOLUTION 288.

SELECT COMMITTEE UNDER H. RES. 288,
HOUSE OF REPRESENTATIVES,
Thursday, April 23, 1908.

The committee met at 10.30 o'clock a. m.

All members of the committee were present.

The CHAIRMAN. The committee will be in order.

The chairman would like to state on behalf of the committee that hereafter any suggestion to the committee as to witnesses that will be summoned or matters that will be examined will kindly be handed to the clerk of the committee or sent to the committee by mail.

Mr. LILLEY. Mr. Chairman, I desire to make a correction in the record. I would call the attention of the committee to pages 1359 and 1360 of the record. It appears that during my examination on April 17 I was asked whether I voted in the Naval Committee in favor of a substitute motion offered by Representative Mudd, which provided for "four submarine torpedo boats to be contracted for in such competitive tests as the Secretary of the Navy may direct, $3,500,000, of which sum $1,000,000 is hereby appropriated." I expressed at that time my doubt whether the form of amendment as recited in the question was correct. An examination of the clerk's journal, made since the hearing, discloses the fact that it was not correct and that the word "four" appearing in the amendment, as recited in the question, should have been "for."

As the report has been widely circulated that I voted for an amendment providing for the purchase of four Lake submarines for $3,500,000, whereas the fact is that I voted for submarines with no designated number and of no designated type, the contracts to be at the discretion of the Navy Department. I assume with confidence that the committee will be willing to remove, as far as possible, the false impression that has gone abroad, and insert this correction in the record.

I also desire to call to the attention of the committee a great many inaccuracies in the record; I will not stop to recite them all. But in the printed hearings here I have only looked through a portion of my own. On page 1322 it says: "He may have come to me after the boat was done." It should have been, "He may have come to me after the vote was taken." Then four lines farther down, "No person living connected with my submarine boat company" should be "connected with any submarine boat company."

Q. On what page is that, Mr. Lilley?—A. 1322, thirteenth line. Then on page 1323: "I sincerely believe, and do now, that there is a very handsome profit in submarines at $475 a ton," should be "$745." And then four lines below that, "I believe that the Gov-

ernment has paid $400,000 for the boats," and that should be "$1,400,000," and on the next page, here at the bottom, "It permitted them to cut their course accordingly," should be, "Cut their cloth accordingly." Then on page 1326, fourth line, "I do not recall having given out anything at all to be released after it was handed in to the committee," it should be, "until after it was handed into the committee." Farther down, about the eighteenth line, "I then gave him my impressions of the navy-yards, practically embodied what I stated the other day in the House," should be "embodying," and on page 1330 it says, "I had some boiled potatoes and rice and beef." It should be "roast beef." That does not change that testimony, but it shows that these are very inaccurate in a great number of places.

The CHAIRMAN. The chairman would state on behalf of the committee that all the corrections made by Representative Lilley will be spread in full upon the records, and the chairman would like to suggest further, Mr. Lilley, that although we have employed the best stenographers we could find, that such inaccuracies will creep in between the stenographer, the printer, and the proof reader, and that a most ample opportunity will be given to you before any report is made by the committee to examine your entire testimony and make any such corrections as you choose, or to make any additions to what is not perfectly clear, and if it reaches any other witnesses through this statement by the committee I would like to have at least a portion of that statement apply to all witnesses; that if they will examine their testimony and suggest any inaccuracies they will be considered by the committee.

Mr. LILLEY. Thank you. I have had time to pick out only a few.

Mr. OLMSTED. If you will permit me, I find Representative Lilley's reference to the motion offered by Mr. Mudd in the Naval Committee; it seems the fault was not the error of the stenographers of this committee, but originated with the stenographer of the Naval Committee, who appears to have written "four" first and then changed it to "for." I have before me the copy which was certified here by the clerk of the Naval Committee. It was changed to "for," but the Printing Office seems to have fallen into the error again in writing "four" instead of "for." The motion appears now to be as follows:

Mr. Mudd offered the following substitute for the resolution offered by Mr. Loudenslager:

"For submarine torpedo boats to be contracted for after such competitive tests as the Secretary of the Navy may prescribe, $3,500,000, of which the sum of $1,000,000 is hereby appropriated."

The vote on the substitute by Mr. Mudd was recorded as follows:

In the affirmative: Messrs. Foss, Mudd, Lilley, Ellis, Padgett, Hobson—6.

In the negative: Messrs. Loudenslager, Butler, Roberts, Bates, Thomas, Dawson, Gregg, Talbott Lamar—9.

Mr. LILLEY. That is correct, but I notice practically the main point in the press dispatches that went broadcast throughout the country was that I voted $3,500,000 for four Lake boats.

By Mr. OLMSTED:

Q. That is the way it was printed in our record, but the error occurred in the Government Printing Office.—A. It appears that I did not vote for any Lake boats at all, neither did I vote for "four" boats.

Q. You voted $3,500,000 for submarine boats?—A. Submarine boats left open to competition.

Q. Mr. Lilley, in the communications which you have handed to this committee on March 19, and commencing at page 350 of the record, you refer at the bottom of page 363: "The foregoing facts and conditions influenced me to introduce House resolution No. 264," and then the following page you give a copy of that resolution. The committee has asked the clerk of the House in charge of the original document to present the original resolution as offered by you, which I now show you.—A. I do not know; it appears to be; I assume that it is.

(The resolution referred to reads as follows:)

Whereas, first, the following statements have been published in the public press: "It can be readily seen that the programme of the House committee at this session proposes to pay at least one thousand two hundred and eighty-six dollars per ton for the submarines, against a reasonable price named by Mr. Bowles of seven hundred and forty-five dollars and forty-five cents per ton, or one million four hundred and seventy-six thousand two hundred and ninety-six dollars and sixty cents more than the present builder said they were worth when he testified before the committee in nineteen hundred and two." Also: "It developed to-day that on the seven Holland submarines commissioned in nineteen hundred and three, at a cost of one million one hundred and ninety thousand dollars, the sum of four hundred and thirty-nine thousand one hundred and nineteen dollars and nine cents has been expended in the last four years in maintenance and repairs. Of this amount three vessels alone have taken most of the appropriation. It is further ascertained that the *Grampus* and *Pike*, at Mare Island Navy-Yard, are now laid up, never having worked to the entire satisfaction of the Department, while Congress has just been asked to appropriate the following sums for repairs in addition to materials already purchased: The *Adder*, twenty-four thousand five hundred dollars; the *Grampus*, thirty-three thousand five hundred dollars; the *Moccasin*, thirty-four thousand five hundred dollars; the *Pike*, thirty-three thousand five hundred dollars. Must keep contracts secret.—An investigation of the contracts under which the submarines are purchased by the Government shows there is a confidential paragraph in each contract by which the Government is bound not to reveal any data concerning plans, specifications, models, weight, records, speed records, or any other information without specific authority from the manufacturers. In contrast to this secrecy it is pointed out that millions of dollars of battle ships have been built and their performances and other data are duly chronicled in the Annual Register of the Navy Department." Also: "The trip of the submarine flotilla made up of the *Cuttlefish*, *Viper*, and *Tarantula*, and accompanied by the gunboat *Hist*, from New York to Annapolis Naval Academy has proved somewhat disappointing to naval officials." Also: "The *Octopus* is still in the shipbuilding yard having her engines, which were practically ruined in an accident during the acceptance tests here last spring, rebuilt;" and

Whereas, second, secret Government contracting is against public policy and the specific provisions of the Revised Statutes, sections five hundred and twelve, five hundred and fifteen, thirty-seven hundred and forty-four, and thirty-seven hundred and forty-five, which provide that papers on file may be examined by any person desiring to do so, and that copies thereof shall be furnished upon certain fees: Therefore be it

Resolved, That the Secretary of the Navy is hereby directed to inform the House of Representatives whether seven hundred and forty-five dollars and forty-five cents per ton is a reasonable price for *Octopus* type of submarines; what price per ton is being paid for *Octopus* type of submarines; whether the sum of three million five hundred thousand dollars is excessive for eight *Octopus* type of submarines; what repairs have been made on each submarine—why, when, where, and with what results; how many days each submarine has been in active commission; how many days each submarine has been out of commission, and why; what accidents each submarine has had, the nature thereof and causes thereof; what contracts have been made for submarines; what prices have been paid per ton for each submarine built or contracted for; what submarines are available for use; what submarines are not available for use, and why; and to transmit to the House of Representatives verbatim copies of everything on file in the Navy Department relating to submarine boats, with the exception of detailed plans thereof; but not excepting reports relating to the performance of each submarine, accidents thereto, repairs thereon, and condition thereof, and the specifications thereof.

Q. Mr. Lilley, will you kindly state who prepared the resolution which you offered in the House of Representatives February 27, 1908, which is now known as House resolution 264, as being the resolution, a copy of which was contained in your communication of March 19 to this committee, published on page 364 of our record?—A. I will have to inquire of Mr. Webster. I do not know.

Q. You introduced the resolution?—A. I introduced it.

Q. And do we understand that you do not know who prepared it?—A. I do not recall; I do not know, in fact.

Q. Where did you get the resolution?—A. I won't be positive whether Mr. Webster or Mr. Neff handed that to me.

Q. Mr. Webster or Mr. Neff?—A. Yes.

Q. Do you know about when they handed it to you?—A. Only by the fact that you say it is dated March 19.

Q. It appears to have been offered in the House February 27.—A. Yes; I remember that as information I wanted to get from the Navy Department, and Mr. Foss afterwards advised me to get it by letter, and I wrote the Department for it, and they said that that information had been furnished to the committee, as I remember it.

Q. To the Naval Committee?—A. No; to this committee, as I remember it.

Q. February 27, there was no committee such as this at that time.—A. Well, that lay in the Naval Committee some days. I remember going in and talking to Mr. Foss about it, and he asked me why I did not get the information direct from the Department.

Q. At that time this investigating committee had not been appointed, the resolution had not been adopted?—A. No; but it lay for a week or two after that before anything was done about it.

Q. Then your recollection is that this resolution, 264, was prepared by somebody else and handed to you, either by Mr. Neff or by your secretary, Mr. Webster?—A. That is my recollection.

The CHAIRMAN. Will you step aside, then, for one minute? Mr. Webster, will you take the stand?

BENJAMIN WEBSTER—Recalled.

The CHAIRMAN. You have already been sworn.

By Mr. OLMSTED:

Q. Mr. Webster, I show you the original resolution, No. 264, offered by Mr. Lilley, or in his name, in the House of Representatives on the 27th of February, 1908.—A. I have no recollection of having prepared this resolution. In fact, I am quite positive.

Q. Do you remember ever having seen the resolution?—A. I think I have seen it in the office, if I remember right; there is Mr. Lilley's signature on it.

Q. You saw him put his signature on the back—the name Lilley?—A. Yes.

Q. Had you seen it before that time?—A. I have no recollection of having seen it.

Q. February 27?—A. Yes.

Q. You did not prepare it?—A. No, sir.

Q. Nor did the typewriter?—A. No, sir.

Q. Do you know who did?—A. No, sir.

The CHAIRMAN. You might finish this up by saying where you got it.

A. I think Mr. Lilley handed it to me.

TESTIMONY OF ABNER R. NEFF—Recalled

The CHAIRMAN. Now, Mr. Neff.

A. I recollect this; this is my work.

By Mr. OLMSTED:

Q. You say, then, Mr. Neff, as I understand—I was at the telephone—that you prepared the resolution?—A. Yes, sir.

Q. And what did you do with it?—A. I took it to Mr. Lilley and gave it to him.

Q. You gave it to him for what purpose?—A. To present, if he saw fit. He was looking after the prices at that time. I think he wanted to know from me how much those things cost, and I told him, I think, that I did not know, but he ought to get that out of the Navy Department, as I understood, and I prepared it and handed it to him for introduction.

Q. When had you first had a conversation about the cost?—A. I think it was about a day before that that I talked to him. That was the first time I got in close touch with Mr. Lilley.

Q. That was February 26?—A. Just about that time.

Q. What conversation did you have at that time?—A. It was just along what he was trying to prove at that time; practically the first conversation that we had gotten into was shortly before I handed him this, as I recollect.

Q. In what way was he trying to prove anything?—A. Well, he wanted to get at the real facts, and I told him the records were the best thing to get at, as real facts, and the best thing to do was to request it.

Q. You say he was trying to prove something. What was he trying to prove?—A. Well, I guess exorbitant profits in the submarine business.

Q. Where was he trying to prove that; before what body?—A. He had not said that; I really don't know.

Q. That is the first conversation you had upon the subject?—A. That practically was my first real conversation toward giving him any assistance, about that time I think; I would not say positively.

Q. Did he send for you or did you go to him?—A. I went to him; he never sent for me at all.

Q. Had you had any conversation prior to that time on this subject?—A. I am positive on this subject I did not have any prior conversation with him.

Q. When was that resolution prepared?—A. It was prepared in the office about a couple of days before that—a day or so before that.

Q. What office?—A. Prepared on my L. C. Smith machine.

Q. In what office?—A. In the Lake Torpedo Boat Company's office.

Q. A couple of days before that? How did you know Mr. Lilley was seeking that information if you did not have a conversation with him until after this was prepared?—A. I do not recollect.

Q. Is it not a fact that you just prepared it without previous conversation with him?—A. I would not say that, Mr. Olmsted, because

I do not recollect whether we did or not. It was about that time I first got into conversation with Mr. Lilley, and told him that he ought to have an attorney, and that I would be glad to give him such assistance as I had in my possession.

Q. He did not need an attorney to introduce this resolution.—A. Well, not on this resolution, Mr. Olmsted.

Q. Who assisted you in preparing the form of the resolution?—A. I don't know as anybody assisted me in that. I had a lot of newspaper clippings there, and it was from those clippings this compilation was gotten up.

Q. Who first suggested to you the introduction or preparation of the resolution?—A. I don't know. Mr. Whitney was in our office at that time, and he may have suggested it.

Q. Didn't he?—A. I do not recollect.

Q. Did he not suggest it?—A. Well, I know he referred me to several newspaper clippings, and said that that would be a basis of getting out some real facts, and I think I had those newspaper clippings, and from those compiled this data.

Q. That was Mr. Whitney's suggestion, then, that you should do so?—A. I think it was; yes, sir.

Q. Was it not?—A. I think it was; yes, sir.

Q. Aren't you sure it was?—A. I don't know as I can say positively, I would say more than likely he did.

Q. Well, as a matter of fact, he did, did he not?—A. Well, if you wish it that way, yes.

Q. Now, then, he assisted you in preparing it, did he not?—A. Well, I don't know; he may have made some suggestions, but I think the bigger part of it that I prepared he may have given me.

Q. Did he not dictate it to you?—A. No; he did not dictate it to me. I never took any dictation from Mr. Whitney.

Q. Then you did the typewriting?—A. I think the greater part of the compilation, as I recollect.

Q. The resolution begins, "Whereas the following statements have been published in the public press," and so forth.—A. Yes, sir.

Q. What public press had they been published in?—A. I think that was in the New York Herald, as I recollect it.

Q. What date?—A. I do not recollect the date.

Q. Who showed you the New York Herald that had it in?—A. I got the paper, I generally take the New York Herald and World, and I think Mr. Whitney pointed it out to me, as I recollect, I would not say for sure, but I know the matter was brought to our attention through Mr. Whitney.

Q. He pointed out to you that article in the New York Herald which had that quotation which reads as follows——A. I read it, I think, before he pointed it out to me; I don't think he brought it to me.

Q. He called your attention to that as the matter to work in the resolution?—A. Yes, sir.

Q. Now Mr. Whitney apparently was familiar with the New York Herald article?—A. I do not think there is any question that he saw the article and brought it to my attention.

Q. That is the first quotation which reads as follows:

"It can be readily seen that the programme of the House committee at this session proposes to pay at least $1,286 per ton for the

submarines, against a reasonable price named by Mr. Bowles of $745.45 per ton"——

A. Yes.

Q. "Or $1,476,296.60 more than the present builder said they were worth when he testified before the committee in 1902," that is the end of the quotation from the public press, first quotation in resolution 264. Now, then, it proceeds, "also," then it quotes again, the resolution:

It developed to-day on the 7 Holland submarines commissioned in 1903, at a cost of $1,190,000, the sum of $439,119.09 has been expended in the last four years in maintenance and repairs. Of this amount, three vessels alone have taken most of the appropriation. It is further ascertained that the *Grampus* and *Pike*, at Mare Island Navy-Yard, are now laid up, never having worked to the entire satisfaction of the Department, while Congress has just been asked to appropriate the following sum for repairs in addition to materials already purchased: The *Adder*, $24,500; the *Grampus*, $33,500; the *Moccasin*, $34,500; the *Pike*, $33,500. Must keep contracts secret. An investigation of the contracts by which submarines are purchased shows there is a confidential paragraph in every contract by which the Government is bound not to reveal any data concerning plans, specifications, models, weight records, speed records, or any other information without specific authority from the manufacturers. In contrast to this secrecy, it is pointed out that millions of dollars of battleships have been built, and their performances and other data are duly chronicled in the Annual Register of the Navy Department.

Now, that is the second quotation in House resolution 264, purporting to have been taken from the public press. Will you state from what paper that quotation was taken?—A. I don't know whether it was the World, I do not recollect just now; it was taken from one of the papers, either the World or the Journal.

Q. From what date?—A. Previous to this time.

Q. How long previous?—A. I could not say as to that.

Q. I call your attention to the fact that the quotation begins, "It developed to-day." Is that the day on which the resolution was prepared?—A. No; just wait until I get back there.

Q. Also, "It developed to-day."—A. That was from the quotation of the date of the article; that was in the date of the article—date of the newspaper article.

Q. You do not know what that date was?—A. No.

Q. Nor what newspaper?—A. I could not recall just now.

Q. Are you sure it was in any newspaper?—A. I am positive it was in the newspaper, because all of this stuff in quotations I copied verbatim from the newspapers.

Q. From the newspapers to which Mr. Whitney called your attention?—A. Yes, sir.

Q. Are you familiar with the provision of sections 512, 515, 3744, and 3745 of the Revised Statutes of the United States?—A. Yes, sir; because I read them over very thoroughly.

Q. When?—A. About the time I prepared this.

Q. Who brought them to your attention?—A. I went over to the returns office to look up these contracts and get some data, and then the man gave me copies of that, and then I went over them with Mr. Whitney and talked them over; that is, to find out whether this stuff was true.

Q. To what office?—A. Returns office of the Interior Department.

Q. Did the Interior Department have to do with this matter?—A. They have all those contracts; all contracts must be filed with the Interior Department.

Q. All contracts of the Navy Department?—A. Navy Department, War Department, and, I think, the Interior Department are filed with the returns office.

Q. Of the Interior Department?—A. Yes, sir.

Q. I am not talking now about contracts as much as I am about the provisions of the Revised Statutes.—A. That has to do with the filing of these contracts.

Q. Who brought your attention to the provisions of the Revised Statutes?—A. I think Mr. Whitney called my attention to it at that time.

Q. Now we come to the resolution itself: It seems to call for information only why $745.45 per ton is a reasonable price for the *Octopus* type of submarines. Why did you not put in something about the other type of submarines?—A. Because they have never been sold to the Government yet. We had never sold any of our boats to the Government.

Q. You had made one contract?—A. Yes.

Q. It was just as important to the Government to know what was a reasonable cost to make one type of submarine as the other?—A. We had quite a controversy as to prices before we came in.

Q. You were only proposing to investigate one company?—A. The resolution did not call for the investigation of any other.

Q. And you prepared the resolution?—A. What resolution?

Q. House resolution 264.—A. Yes.

Q. Yourself?—A. I think so; yes.

Q. You carefully refrained from putting anything in as to the cost of the Lake boat?—A. I did not think the Department had anything as to the cost of the Lake boat, except our last contract, and they had never built a boat to demonstrate whether or not it was a reasonable cost taken in conjunction with its capabilities and performances.

Q. You did not ask Mr. Lilley to introduce a resolution as to the cost of the Lake boat?—A. No.

Q. When was it Mr. Whitney first suggested to you the preparation of such a resolution to be introduced by Representative Lilley?—A. I think it was just about the time that I prepared this. I do not recollect the exact date.

Q. How long did it take you to prepare it and look up the data, and so forth?—A. I suppose it took three or four hours to look up the data.

Q. To go up to the returns office and look up the contract?—A. Yes; I was over there and looked up the contract.

Q. So it was all done the same day?—A. I think I did that on one day—I think I had gotten it out, but I went over to the returns office to verify it.

Q. Isn't it a fact that this resolution had been under preparation for some time before that?—A. No; it had not. I am pretty sure of that.

Q. Wasn't it, as a matter of fact, prepared before the resolution was introduced by Mr. Lilley calling for an investigation?—A. Oh, my, no.

Q. Wasn't this prepared before the 23d of February?—A. No, sir; because I never talked about anything—I was in consultation with Senator Thurston on another and a different matter and paid no attention to anything like that.

Q. Had you consultation with reference to this resolution 264?—A. I don't believe they showed that to me that I know of.

Q. Did you have a consultation with him about it?—A. No, sir.

Q. Or about the subject?—A. No, sir.

Q. About the subject of such a resolution being introduced at all?—A. No, sir; I did not.

Q. That was just Mr. Whitney's idea?—A. That was about the only idea I accepted it from.

Q. When did you first have a conversation with Mr. J. C. Lake on that subject?—A. I never talked with J. C. Lake on this subject at all.

Q. Or Mr. Simon Lake?—A. I know Mr. Simon Lake did not like the matter very much, because it was hitting prices. We had a little difference on that.

Q. When was it you had that difference?—A. It was some time after he was called on the stand here—about the time that he was called down to Washington; I think at that time.

Q. He was not on the stand with reference to this resolution?—A. Oh, no; but it was some time, because——

Q. I am talking about the resolution.—A. He never saw this resolution.

Q. When did you tell him that such a resolution would be introduced?—A. I don't know as I did tell him that it would be introduced. I think that I sent him a copy of it, though.

Q. Wasn't it prepared about the same time that the other resolution was introduced for an investigation of the Electric Boat Company?—A. No; I think it was prepared several days after.

Q. How many days after would you say?—A. My recollection is, I should say, three or four or five days afterwards.

Q. I will ask you to look at the resolution and tell me what that first date, February 22, is there, and you won't need a magnifying glass to discern that fact.—A. I guess that was when it was prepared.

Q. Then it was not prepared on the 26th?—A. I guess that was the day it was introduced, or the 27th.

Q. That "22" was evidently written by you upon your typewriter, and that "27," wasn't that written on a different typewriter?—A. Yes; it is different colored ink.

Q. A different colored ink?—A. Yes, sir.

Q. A different typewriter?—A. Yes, sir.

Q. Who put that in, if you know?—A. I don't know. Did you put that in, Webster? I don't know.

Q. Well, on that point, you do not know?—A. No.

Q. But that was prepared on or before the 22d of February?—A. I know that the matter was suggested to me; it was not original with me, and he asked me if I would prepare——

Q. That occurring on or before the 22d, it must have been before, because it would take one day to go to the Department and another day to write it, and you began it about the 20th.—A. I didn't begin it about the 20th. I didn't begin it until, I think it was, the day before the date of it. It must have been the 21st or the 22d. I know it was about that time I went over to the returns office; I had summed up the whole thing, and went to the returns office to verify it.

Q. When did you hand it to Mr. Lilley?—A. I think I did not hand it to him until about the 27th; I think it was the 27th.

Q. Didn't you hand it to him on the 22d?—A. No; I did not.

Q. How do you know that you did not?—A. Well, I was in doubt about presenting it; I didn't know whether—I didn't want to hit prices; I was a little doubtful as——

Q. Did he have any doubt about introducing it when you did present it to him?—A. I don't recollect.

Q. What did he say about it?—A. I don't recollect what he did say.

Q. Where did you first see the figures which appear in the resolution?—A. The very first time I saw anything of the figures or knew anything about them were in the newspaper articles.

Q. Take, for instance, these figures, $1,476,296.60.—A. This is copied; I never saw them; they are not my figures; I never saw them until I saw them in the newspaper article.

Q. If those figures were given to a daily newspaper in a memorandum written on one or the other of your two typewriting machines, most of them on the Smith Premier, did you write them, or did Mr. Whitney?—A. I did not write them. I do not know whether Mr. Whitney wrote them or not. I know that I did not write them or know anything about them.

Q. Did he use your machines?—A. I gave Mr. Whitney the courtesy of our office. I never considered him a part of our office, but he formerly occupied the same position that I occupy, and he was connected with some of Mr. Lake's companies, and I extended the courtesy of our office, and I paid no attention to him, and did not consider him a part of our office. He came in and if he wanted to use a machine he used it, and that was all there was to it.

Q. He did use it, then?—A. He did use it, yes.

Q. He did use them, then?—A. Oh, yes.

Q. Either one or both, as he chose?—A. Yes. I told him to use what he found there. I extended him the courtesy of the office.

Q. Do you know of his preparing or writing any articles or information for any newspapers?—A. No, sir. Mr. Whitney never talked with me as to his business. He also seemed very glad to find out what he could from me as to submarine matters, but he never ventured any information to me. Once in a while he made a suggestion like this.

Q. Whom did he suggest should introduce this resolution?—A. I don't recollect.

Q. How did you happen to take it to Mr. Lilley?—A. Well, I did not intend to take it to Mr. Lilley at first.

Q. Who did you intend to take it to?—A. I had not made up my mind. I thought I would try to get some friend of mine to introduce it. Then I did not know whether it was the right thing to do, and then I hesitated.

Q. Then you consulted with Whitney and took his advice?—A. I don't know whether I took his advice on it or not. I know there was some hesitation at the time, and I know that I did not prepare those papers. I never prepared any newspaper articles for our company or anybody else.

Q. I am now talking about the resolution. He suggested to you the preparation of this resolution?—A. Yes.

Q. To be introduced by somebody?—A. Yes, sir.

Q. Whom did he recommend as the introducer?—A. I think he said, "Get some of your friends;" I don't know as he named any particular person.

Q. Did you take it to anyone except Mr. Lilley?—A. I did not. I hesitated——

Q. Did you submit it to any other Member of Congress?—A. Not that I recollect.

Q. To whom else did you submit the resolution before presenting it to Mr. Lilley?—A. I don't know.

Q. Don't you remember some person or persons with whom you talked about it?—A. No; I do not; because, as I say, at that time my mind was occupied with things of more concern to me, and I did these things in a sort of perfunctory way, and my recollection is not clear as to what I actually did at that time, because I was spending most of my time at the hospital.

Q. If on or about the 13th of February, 1908, there was written on your L. C. Smith machine a memorandum sent to a daily paper or a representative of a daily paper containing this quotation, "It is our unanimous opinion that it is best to have the full quotations sent you printed so that our friends can use naval opinions with Members as from this newspaper authority"—if that was written on your L. C. Smith machine, did you or did you not write it?—A. I absolutely did not write it.

Q. If, then, that paper or memorandum containing that quotation accompanied other papers and memoranda written on your Smith Premier machine, did you or did you not write the other papers?—A. I did not write them.

Q. In your best judgment, who did?—A. I would not say. I do not know.

Q. You have sworn you have seen the anonymous communication?—A. Mr. Ruth brought those to the office, and that was the first time I had seen the actual copies.

Q. Since it has been introduced here, you are familiar with it?—A. Yes, sir. I was here the day that Mr. Edinborough handed it in.

Q. Then you know the paper to which I refer?—A. Yes; you refer to this telegraph blank.

Q. You are now handed a photographic copy of it.—A. Yes, sir.

Q. I will ask you this question: If there was written on your Smith Premier typewriting machine, in your custody at the office of the Lake Torpedo Boat Company, a memorandum sent to representatives of the daily newspapers containing these words, "Memorandum showing lack of economy in submarines at proposed cost of $1,476,296.60, more than contractor testified they were worth," if, as I say, that memorandum was written on your Smith Premier machine on or about the 13th of February, 1908, can you account for the identity of those figures—that is, the figures appearing in the anonymous communication on the Postal telegraph blank and the figures appearing in House resolution 264 prepared by you?—A. I can only account for the figures appearing in the resolution as I took them from the newspapers, and I have absolutely no knowledge of the figures previous to what I saw in the papers.

Q. And the suggestions from Mr. Whitney?—A. Yes; I absolutely knew nothing about it previous to that.

Q. Then is not the presumption very plain, and is not the conclusion very plain, in your mind, that those figures were supplied by Mr. Whitney?—A. I would not want to say that.

Q. What is your judgment on the matter?—A. I do not care to state.

Q. As far as this committee can determine they originated on your machine.—A. I do not doubt it; I don't know anything about it.

Q. And Mr. Whitney did have access to your machine?—A. Yes, sir.

Q. And Mr. Webster sometimes?—A. Mr. Webster never was on our machine until after Mr. Judson came down here. Mr. Webster had nothing to do with them.

Q. Have you any doubt that the anonymous communication on the Postal telegraph blank was written on your Smith Premier machine?—A. No; I have not any doubt whatever. It is as plain as day.

The CHAIRMAN. That is a great tribute to the three experts.

Q. If these same nine figures, 1,476,296.60, were written on your Smith Premier machine before you prepared House resolution 264, you do not know who wrote them unless it was Mr. Whitney?—A. I will say that I do not know who wrote them, but I do not want to cast any reflections upon anybody.

Q. Who else had access to the machine that could have written it?—A. Well, I do not know.

Q. You did write these in House resolution 264?—A. I did.

Q. Copying them from the New York Herald?—A. From the New York newspapers entirely.

Q. If on or about the 13th of February, 1908, there was written upon your L. C. Smith typewriting machine, in the office of the Lake Torpedo Boat Company, a memorandum to be forwarded to a representative of a daily newspaper, this paragraph, "The committee thinks it necessary to get prominent officers' ideas and opinions before public so newspapers will start editorial discussion of the problem that is far more serious than surface indications tell;" if that was written do you know who wrote it?—A. No, I do not. I know I did not.

Q. You have frankly told us all you know about the matters about which I have thus far asked you. Will you kindly take that volume before you and turn to page 350, about the middle of the page, "Mr. Lilley has filed with the committee, dated March 19, 1908, directed to the chairman, a statement of some 23 pages, incorporating with it clippings from various journals in reference to the value of torpedo boats and torpedo-boat tests?"—A. Yes, sir.

Q. Did you also prepare that letter?—A. This was a compilation of both Mr. Webster and myself. Mr. Webster came over and worked with me, and we got these up.

Q. How did Mr. Webster come to be working with you?—A. I don't recollect, but I know that I wanted him to help me on the thing. I had some other things to do, and this is a compilation of both Mr. Webster and myself, and he prepared the figures and got a great deal of the stuff in shape for me.

Q. And you and Mr. Lilley and Mr. Webster were working in harmony at that time?—A. At this time; yes, sir.

Q. That letter is written on the House of Representatives' paper, and signed by Mr. Lilley.—A. The best of my recollection is that we prepared all of this data. I am trying to refresh my memory with

Senator Thurston. He says he does not recollect that he prepared that.

Q. The letter itself, however, what do you say about that? It contains a summary of the matter which you say you prepared.—A. Well, I think we prepared that. I know it was prepared in our office, because I had Mr. Webster over there working on the figures, and we were getting the whole compilation together.

Q. And you must have had Mr. Lilley's stationery.—A. Mr. Webster brought some over for that special purpose.

Q. That date and those extracts from hearings before the House Naval Committee and the newspaper clippings were prepared by Mr. Webster and yourself, as I assume, and as the letter itself seems to state, for the purpose of getting before this committee the other side of the controversy—that is, as between the two companies. The letter starts out: "Your committee has, I confess, somewhat to my surprise, permitted witnesses—both those who could by reason of expert knowledge know something of the construction, qualities, and cost of our present submarines, and also those who could have no possible expert or other knowledge as to the construction, performances, efficiency, and cost of these submarines—to give as part of their supposed testimony glowing accounts of the remarkable qualities of the Electric Boat Company's submarines; and having thus established the precedent, and in order that the question of the cost and efficiency of these boats may be presented on both sides, I submit the following." What did you mean by "both sides?"—A. Well, it looked as if they were making out our boats as not worth anything and that our side ought to be in there just as well as the other side. I wanted to show the cost of our boats, and also show that the prices for those boats were not in accord with the performances of their boats.

Q. What you meant in that letter when you said "both sides" had reference to the Lake Torpedo Boat Company on the one side and the Electric Boat Company on the other, and you thought they both ought to be in it?—A. Yes, sir.

Q. And that is the reason of that letter and the data?—A. Yes, sir.

Q. Did Mr. Lilley make any objection to signing it and presenting it to the committee?—A. Why, I do not recall whether he did or not.

Q. He signed it, anyway. The day that the Naval Committee voted on the submarine proposition, were you present in the committee?—A. No. I went in the committee after it was over and asked about the result.

Q. Where were you at the time the vote was taken or at the time the matter was under discussion?—A. I was all over the Capitol. It was a long session, and I was waiting until the committee adjourned to find out what information I could get.

Q. Who was the first member of the committee you saw after the matter was decided?—A. I would not be sure—maybe Mr. Bates.

Q. I wish you would be quite sure. Who did you meet immediately after the adjournment to talk with about it?—A. I think I met Mr. Bates.

Q. Is he the only member?—A. Yes, sir.

Q. Who others?—A. I met Mr. Lilley, I think, out in the hall, and in the Capitol afterwards, and I think Mr. Mudd.

Q. You walked out with Mr. Lilley, did you not?—A. No.

Q. I do not mean out of the room, but in the hall?—A. No; I met him coming—I came through the main Statuary Hall, and I think I had gotten to where the restaurant was, and I think he had just come from lunch and was there lighting a cigar, and he just simply said, "Our proposition lost out."

Q. "Our proposition lost out."—A. That is, ours; that we had lost.

Q. Is that the extent of the conversation?—A. I said, "If that is so, why it is pretty hard on us." There was not any extended conversation at all. Except simply a word passed between us.

Q. Which one of you was it said, "Then there is nothing left for an investigation?"—A. Neither of us. I did say to some people, "Well, the only thing for us to do is to carry on our fight on the floor of the House, on the proper line of competition," and that is what I took up with Senator Thurston, and that is along the line I worked solely.

Q. That is, along the line of what Mr. J. C. Lake called a propaganda?—A. Mr. J. C. Lake was not here at the time that this bill was taken up. I was practically here alone, and felt that I was alone as far as the Lake Torpedo Boat Company was concerned, and I endeavored to keep in touch with the legislative situation as far as I possibly could, and also the situation at the Department, and when this thing failed I went immediately to Senator Thurston and talked the matter over, and I got the data together and I went to his house and he prepared the remarks that we wanted to have made on the floor of the House, and I was laboring along that line entirely, and this thing came in and blocked the whole thing, and I have been drawn into it, and the more I got drawn into it the more work I did and that was simply gathering as the case went on——

Q. You were doing the best you could for your company?—A. I was trying to.

Q. Did Mr. Lilley tell you how the different members of the Naval Committee had voted on your proposition?—A. No, sir; he did not. He said it was an executive session.

Q. How did you get the information?—A. Well, I do not recall how I did get it. I might have gotten it out of the newspapers, compiling those that were friendly to us, and by a process of elimination I may have come to the conclusion, I do not know how I just did it——

Q. It is fair to state to you that witnesses heretofore have testified that the provision of the submarine amendment, as I will call it, the provision in the naval bill of 1908 with reference to submarines, Mr. Skerrett testified that he got them from Mr. Whitney.—A. Mr. Simon Lake testified that he sent it to Mr. Whitney, and that he got it from me, and I got it from the clerk of the committee.

Q. That is what I wanted to ask you.—A. I thought I had testified to that previously.

Q. I do not think we asked you.—A. I went to Chairman Foss, and told him I was very much interested in the exact wording of the submarine provision and asked him if he would consent to my going and taking a copy, and he said he had no objections. And he allowed Mr. Theall to give me a copy, and I think I handed it to Mr. Simon Lake in order that he might know the exact wording of the provision.

Q. It is quite likely that you got from the same source the votes?—A. I do not recollect that I did. I know that I did not have the votes at the time that I got that, but I recollect it appeared in a couple of New York papers, and I knew those who had intimated to me that

they would vote for it, and then from general gossip those that did not, and there was a question about one or two, and I made a couple of copies afterwards, later on, at the time Mr. Judson came here, I made a copy of that provision and attached to it the list, as I thought, of the members that voted, but I found afterwards that it was not correct.

Q. The committee appreciate and thank you for the entire frankness with which you have apparently told us everything you know about this matter so far as we have asked you. There is one further question we desire to ask, and that is this: You have already testified that you did not write these two anonymous letters, although they were written, as you concede, upon your Smith Premier machine?—A. Yes, sir.

Q. And we believe what you have told us, but we would like to ask you now to state to us with equal frankness, is it not a fact that you knew that they had gone out?—A. I did not. I was entirely innocent of any knowledge of the fact that they had gone out, or anything about them. The first that I knew anything about this was when the committee brought them up here.

Q. So you did not know then that either one of them had gone out until you learned it as they were brought out here in this committee room?—A. Until they were brought out here in this committee room, and I never had any suspicion that anything like that was going on, or that they had gone out. I knew nothing about them at all until the committee brought them out.

Q. Since these anonymous communications have been brought out, or were brought out in testimony before this committee, with what person or persons have you talked who did seem to know something about them?—A. I have not talked with anybody who seemed to know anything about them or indicated that they knew anything about them. I have had my own ideas, but I did not feel that I should give expression to my ideas or thoughts along this line. I was surprised, and that was all.

The CHAIRMAN. We are very much obliged to you, Mr. Neff. Will you resume the stand, Mr. Lilley?

TESTIMONY OF HON. GEORGE L. LILLEY—Recalled.

Hon. GEORGE L. LILLEY, being recalled, on being examined, testified as follows:

By Mr. OLMSTED:

Q. You have heard the testimony of Mr. Webster and Mr. Neff concerning the resolution No. 264?—A. That is the one you showed me?

Q. Yes.—A. Yes, sir.

Q. Let me ask whether your understanding of the matter agrees with theirs?—A. Well, I think that Mr. Neff's impression is correct. I think he handed me that resolution and that I introduced it the same day. I did not charge my memory with it at all. I thought it might bring out some facts for the information, and I have not given it here in any other way, and I do not know as it is worth while.

Q. Do you know who changed the date in the resolution from February 22 to February 27?—A. I do not. I do not know anything about the resolution at all except that I introduced it by request.

Q. It does not say on the paper "By request."—A. I do not mean in that sense.

Q. You do not mean in the sense in which when a person introduces a bill or resolution he notes on it "By request?"—A. No.

Q. You introduced it on your own responsibility?—A. Yes, sir.

Q. Although on request of Mr. Neff?—A. Yes, sir.

Q. On the 19th of March you signed and submitted to this committee a communication which commences on page 350, and includes considerable data, extracts from hearings before the naval hearing, the statement of Admiral Capps, and sundry newspaper clippings, and at the bottom of page 363, in the course of your testimony under oath, you state: "The foregoing facts and conditions influenced me to introduce House resolution 264." How do you explain that?—A. I never read this.

Q. You swore to it.—A. I swore to what?

Q. That is your sworn testimony here on the bottom of page 363.—A. Why, I introduced this statement made up and prepared by Mr. Webster and Mr. Neff; I accepted it from them and placed it before the committee.

Q. You were a witness under your oath here, and in that capacity you presented it to us, and we accepted it.—A. I presented all the questions to you for Rice and Frost in the same way.

Q. That was not in the nature of testimony. That was in the nature of questions to be propounded to some one else; there was no statement of facts to them.—A. I did not intend to swear to this as of my own knowledge.

Q. But whose knowledge would it be when you say, "The foregoing facts and conditions influenced me to introduce House resolution No. 264?"—A. These were embodied in House resolution 264.

Q. No; I beg your pardon. The committee have looked through these newspaper clippings and these hearings very carefully, and there is not a word from one of them embodied in House resolution No. 264.—A. I did not intend to swear to the newspaper clippings, and if I have it is through——

Q. Of course you did not swear to the truth of the newspaper clippings, and we did not so understand you, but you did say: "The foregoing facts and conditions influenced me to introduce H[illegible] resolution No. 264."—A. Well, Mr. Olmsted, you understand that this was a matter of common knowledge so far as the hearings before the House Naval Committee in this document is concerned, and the figures and also the newspaper clippings——

Q. That is not the point. You give us here certain extracts from hearings before the Naval Committee and certain newspaper clippings, and then say: "The foregoing facts and conditions influenced me to introduce House resolution No. 264." Then you follow with House resolution No. 264, and we look at it and we do not find a single figure in House resolution 264 that is included in these extracts from the hearings and newspaper clippings, which, you say, at the bottom of page 363, influenced you to introduce the resolution. Not a single figure or statement in that resolution is found in these hearings and newspaper clippings which you say influenced you to introduce it, but they are the figures found in the anonymous communications and nowhere else.—A. The exact figures?

Q. The exact figures.—A. Well, I tell you I did not read it. Well, I have got hold of the wrong resolution here. Please tell me what it is.

Q. It is on the top of page 364 and your language is at the bottom of page 363.—A. Where are the figures?

Q. The figures are written out. The resolution and preamble begins on the top of page 364: "One million four hundred and seventy-six thousand two hundred and ninety-six dollars and sixty cents more than the present builder said they were worth when he testified before the committee in nineteen hundred and two." Those figures, 1,476,296.60, do not appear in any of these documents which you presented to us and said that they influenced you to introduce that resolution. In the original resolution they are typewritten in figures.—A. I never saw them at all.

Q. What do you say now as to the truth of your statement on page 363 that the "foregoing facts and conditions influenced me to introduce House resolution 264?"—A. Well, the general facts are known of all men.

Q. But you say they influenced you.—A. I did not prepare this document.

Q. Nor write this letter?—A. This down at the bottom——

Q. This letter of March 19, at page 350. Your signature appears on page 351.—A. I think this is the work of Senator Thurston; isn't it?

Senator THURSTON. No; that letter has not my hall-mark on it.

A. Oh, I beg your pardon; this was Mr. Judson or Mr. Brown.

Mr. BROWN. That is not mine.

A. Then I will have to say I don't know whose it is.

Senator THURSTON. I guess Neff must have written that.

A. If you will permit me, I will correct my testimony by saying that I think this whole document came to me from Mr. Neff.

Q. That is what he said. You signed it?—A. Yes, sir.

Q. Then is it not a fact that you were influenced by Mr. Neff, the agent of the Lake Torpedo Boat Company, to introduce House resolution 264?—A. That is the one we have been talking about?

Q. Yes.—A. Certainly; he handed it to me and I introduced it.

Q. That is all the influence there was about it?—A. He thought ... might bring out some knowledge that this committee would like to ...

... This committee had not been appointed; there was no such committee.—A. But when it was appointed, at least I wanted to be prepared to give it what information I could, and I have been pursuing that ever since, in getting information from the Navy Department within a day or two right on this subject.

Q. But this resolution was prepared just about the time that the other resolution introduced by yourself was offered.—A. The resolution that I offered for investigation, you mean?

Q. Yes. That was introduced on the 20th.—A. Yes.

Q. Now, this resolution was prepared on or before the 22d?—A. My remembrance came to me a week later.

Q. We assume correctly that Mr. Neff handed it to you and asked you to introduce it, and you introduced it; that is the whole story?—A. Certainly, that is what I intended to give you, that impression from the start.

Q. But that is not the impression we would naturally draw from page 363, "the foregoing facts and conditions influenced me to introduce House resolution 264." Mr. Lilley, will you inform us what communications in writing you have had from Mr. Simon Lake within the past year?—A. None whatever.

Q. Will you inform us what communications you have had from Mr. J. C. Lake within the past year?—A. I can not inform you. I may have had a communication from him last, but I do not recall it.

Q. If you did receive a letter would you still have it in your possession?—A. No, sir.

Q. As a business man, do you not preserve your correspondence?—A. No, sir.

Q. None of it?—A. Why, when the file gets full I empty it in the scrap basket, unless it is something pretty important. I do not preserve correspondence from constituents who want seeds——

Q. Did Mr. Lake want seeds?—A. Or favors. He wanted me to do him a favor, if he wrote me, probably,——

Q. Why should you think that he wanted you to do him a favor?—A. Every man that claims to have a vote in Connecticut thinks he has a right to call on me to do him a favor.

Q. Now, Mr. Lilley, have you at any time said to a newspaper man—I ask you this because you are reported in the newspapers, I have a clipping here somewhere, to have said that other members or some members of the Naval Committee were nothing more than traveling salesmen for certain torpedo-boat companies?—A. Not in that language.

Q. Did you use anything bearing that interpretation?—A. What I said, I said in executive session of the Naval Committee the day the vote was taken on the naval programme. I think it appears in the testimony here.

Q. It was not executive to us: we haven't got it, but we did read it in the papers.—A. I gave no interview of that character.

Q. Did you say it in the Naval Committee?—A. Not in those words.

Q. That some of the other members were nothing better than traveling salesmen for the Electric Boat Company?—A. Not in those words.

Q. Anything that would bear that interpretation?—A. Different people put different constructions on——

Q. Perhaps if you would tell us what you did say——A. I do not recall. I did not charge my memory with those things.

Q. That is an important matter, did you not use some language very much like that?—A. I have given no interview to any newspaper of that character.

Q. I know, but that is not what I ask. Did you make some such utterance in the Naval Committee?—A. Why, Mr. Olmsted, I do not remember just what I said in the Naval Committee.

Q. Did you say something like that?—A. I won't swear as to what I said.

Q. Will you state that you did not say something of that kind?—A. I won't testify either way, except that I said nothing in that language, as you have put it.

Q. Well, now, did you send to Secretary Metcalf when he was West in August, on August 10, 1907, a message written on a Western Union telegraph blank, reading like this:

WATERBURY, CONN., *August 10, 1907.*

Hon. VICTOR H. METCALF:

Your favorable consideration interests my constituents. Lake Company solicited. See letter.

GEO. L. LILLEY.

A. I testified as to that the other day.

Q. You did not testify the other day in regard to that telegram?—A. That is the one that Mr. Neff brought me at the Hotel Elkton, in Waterbury.

Q. I do not think you were asked about this telegram. This is the telegram you sent on that day?—A. That is the telegram.

Q. We did not have the language of it. Then this message addressed to Victor H. Metcalf, Secretary of the Navy, dated August 10, 1907, and written on a Western Union telegraph blank:

WATERBURY, CONN., *August 10, 1907.*

Hon. VICTOR H. METCALF:

Your favorable consideration interests my constituents. Lake Company solicited. See letter.

GEO. L. LILLEY

That is the message which you sent from Bridgeport, as has been testified to?—A. Waterbury.

Q. At the request of Mr. Neff, the agent of the Lake Torpedo Boat Company?—A. Yes, sir.

Q. Then did you on the same day send to Secretary Metcalf a letter reading thus——A. The letter went the following morning.

Q. (Reading:)

[George L Lilley, at large. Connecticut, Naval Affairs. House of Representatives U. S., Washington, D. C.]

(Stamped:) Office of the Secretary, Navy Department. Received Sept. 3, 1907.

WATERBURY, CONN., *August 10, 1907.*

SIR: I understand the late legislation of Congress does not interfere with the absolute discretion of the Secretary of the Navy in awarding contracts for submarines, and it will no doubt appeal to you that for the best results keen and active competition must supplant monopoly. Such competition will benefit the Navy in two ways:

1. A monopoly of the business by one company would result in exorbitant prices after this policy had destroyed its competitors, but competition means the best for the least money.

2. A monopoly of the business would do away with the keen rivalry for improvements. Active competition will bring out the best in the shortest time.

I sincerely hope that before awarding the contract you will examine not only the reports of the sea-going tests, but also the plans and specifications submitted by the Lake Company, and that you will see your way clear to divide the business.

Yours, very sincerely,

GEO. L. LILLEY.

To the Honorable VICTOR H. METCALF,
Secretary of the Navy.

(Copy sent to Fouts Springs.)

Q. This is the letter which you sent, or caused to be sent?—A. Yes.

Q. That was mailed in duplicate, one to Washington and one to Fouts Springs, Cal., and on the 23d of September, 1907, you addressed to the Secretary of the Navy, reading as follows:

[George L. Lilley, at large, Connecticut—Naval Affairs. House of Representatives, U. S., Washington, D. C.]

(Stamped:) Office of the Secretary, Navy Department, received Sept. 24, 1907.

The Honorable VICTOR H. METCALF,
Secretary of the Navy, Washington, D. C.

MY DEAR SIR: My constituent, Mr. J. C. Lake, writes me you are in doubt as to the intention of the Naval Committee and the House in the matter of submarines.

As for the attitude of the House toward Mr. Roberts's argument, nobody listened to it when it was made. Neither the House nor the untrammeled members of the Naval Committee would care whether the boats were on paper or completed, as long as when delivered to the Government they would be equal to any afloat. And as I understand it the Lake people do not ask you to accept any boat unless it fulfills all the conditions of the contract.

I am certain that the House would vote against monopoly. Congress clearly showed its disposition when in the appropriation for the last two battle ships it stipulated that with any one company but one ship should be contracted for.

Among the well-meaning Members of Congress the Lake people have more friends because they have never employed the methods of the Holland type people. It is well known that the company Mr. Roberts appears to represent is doing more to-day in the employment of questionable methods to intimidate Members of Congress and the Naval Committee than all other corporations in the United States.

Yours, very truly,

GEO. L. LILLEY.

WATERBURY, CONN., *Sept. 23, 1907.*

That was your letter, was it not?—A. Yes.

Q. Mr. Lilley, you followed up those letters by a visit to Washington later in the fall?—A. Not for any purpose of following up the letters. I came here in the fall to Jamestown, with the governor's party.

Q. And on that trip you did stop and confer with the Secretary of the Navy with reference to a contract for the Lake Boat Company?—A. No; I think not. I have no recollection of speaking with the Secretary about contracts with the Lake Company at that time.

Q. I asked the question because I thought that you had already testified; I may be in error.—A. I think not.

Q. You did at a later period, then, call upon him?—A. With the Connecticut delegation after they had their luncheon here, but not at that time, but at a later time.

Q. Called upon him in the interest of a contract for the Lake Torpedo Boat Company?—A. I called with the Connecticut delegation, but took no part in the argument, as I remember it.

Q. But you were there?—A. I was there.

Q. For whatever moral influence your presence gave. That was the object of the delegation calling?—A. Yes, sir.

Q. Mr. Lilley, have you named to us all the persons to whom you showed your resolution before introducing it? You showed the resolution which you introduced February 20, 1907, being the one calling for the investigation of the Electric Boat Company?—A. To the best of my recollection, I have.

Q. They were, as I recall it, Mr. Sherman, Mr. Dalzell, and Mr. Payne?—A. Hobson. Those are all the people I recall.

Q. Did you show to any Member of the House prior to the introduction of that resolution any draft of a resolution, whether it was the final draft or not?—A. I do not recall that I did, and I do not wish to include Mr. Sherman as having seen the resolution. I do not think he saw the draft of the resolution. I spoke to him about it. The people whom I showed it to were the other three.

Q. Now, what did you say to Mr. Sherman? You did not show him the resolution; what did you say to him?—A. I told him I was thinking of introducing the resolution?

Q. Is that all you said to him?—A. Why, practically, I think.

Q. Let us have all of it, so far as you can remember; that would be a very brief statement about introducing a resolution?—A. I told him I was thinking of introducing a resolution, and told him the nature

of it, to inquire into the methods of the Electric Boat Company as to securing legislation.

Q. Did you mention to him your dissatisfaction with the provisions which the Naval Committee had put in the bill on the subject of submarines?—A. Probably did.

Q. What did you say to him upon that point?—A. What did I say?

Q. Yes.—A. I talked along the lines of throttling competition.

Q. Did you not say to him, Mr. Lilley, that if the provisions were changed it would not be necessary to introduce this resolution; something of that kind?—A. How changed?

Q. Change the provisions in the Naval Committee.—A. I do not recall.

Q. Change it for competition, something of that kind.—A. I do not recall it.

Q. What was your object in telling him anything about it? You did not show it to him, you say?—A. No; I do not think I had a draft of it.

Q. Do you remember what day it was that you talked with him about it?—A. The 12th of February.

Q. The 12th of February?—A. I think so. I think I was just about leaving the Capitol building to go to New York. In order to locate the date I wired the Murray Hill Hotel, where I stopped, and I have a telegram saying here I registered at Murray Hill on February 12. Now, that was just before I left for the train.

Q. What you simply desired, as you have testified, was open competition?—A. Open competition.

Q. Was not your talk to Mr. Sherman about some way that you thought the necessity of introducing the resolution might be avoided?—A. I deplored the condition that necessitated an investigation.

Q. Would you have felt that it was necessary if the provisions in the naval bill had been otherwise?—A. If the provision in the naval bill had been as it had been in the previous year, so that it was for open competition left in the hands of the Navy Department, giving the Secretary discretion, I would probably have not introduced the resolution, but having heard from various people of high standing of the practices and methods that had been going on here for a great many years, I know before I got to Congress——

Q. You had not heard about that, however, between the 10th of February and the 12th?—A. I had heard enough about this company——

Q. That we understand.—A. To convince me that it would be the proper thing to find out what influences were at work so that it enabled them to pass such a motion as was presented at that time.

Q. Now, as you have just stated, if the provisions in the bill had provided for open competition, you would not have felt it necessary to introduce a resolution, or did you not say something of that kind to Mr. Sherman?—A. Possibly I did.

Q. Or that if the provisions were changed it would not be necessary to introduce it?—A. No; I do not recall that; it could not have been changed then, not in committee.

Q. The bill had not been reported yet to the House.—A. It might have been changed in the House.

Q. It might have been changed in the committee, might it not? It was not reported for five or six weeks after that.—A. I have never

As for the attitude of the House toward Mr. Roberts's argument, nobody listened to it when it was made. Neither the House nor the untrammeled members of the Naval Committee would care whether the boats were on paper or completed, as long as when delivered to the Government they would be equal to any afloat. And as I understand it the Lake people do not ask you to accept any boat unless it fulfills all the conditions of the contract.

I am certain that the House would vote against monopoly. Congress clearly showed its disposition when in the appropriation for the last two battle ships it stipulated that with any one company but one ship should be contracted for.

Among the well-meaning Members of Congress the Lake people have more friends because they have never employed the methods of the Holland type people. It is well known that the company Mr. Roberts appears to represent is doing more to-day in the employment of questionable methods to intimidate Members of Congress and the Naval Committee than all other corporations in the United States.

Yours, very truly,

GEO. L. LILLEY.

WATERBURY, CONN., *Sept. 23, 1907.*

That was your letter, was it not?—A. Yes.

Q. Mr. Lilley, you followed up those letters by a visit to Washington later in the fall?—A. Not for any purpose of following up the letters. I came here in the fall to Jamestown, with the governor's party.

Q. And on that trip you did stop and confer with the Secretary of the Navy with reference to a contract for the Lake Boat Company?—A. No; I think not. I have no recollection of speaking with the Secretary about contracts with the Lake Company at that time.

Q. I asked the question because I thought that you had already testified; I may be in error.—A. I think not.

Q. You did at a later period, then, call upon him?—A. With the Connecticut delegation after they had their luncheon here, but not at that time, but at a later time.

Q. Called upon him in the interest of a contract for the Lake Torpedo Boat Company?—A. I called with the Connecticut delegation, but took no part in the argument, as I remember it.

Q. But you were there?—A. I was there.

Q. For whatever moral influence your presence gave. That was the object of the delegation calling?—A. Yes, sir.

Q. Mr. Lilley, have you named to us all the persons to whom you showed your resolution before introducing it? You showed the resolution which you introduced February 20, 1907, being the one calling for the investigation of the Electric Boat Company?—A. To the best of my recollection, I have.

Q. They were, as I recall it, Mr. Sherman, Mr. Dalzell, and Mr. Payne?—A. Hobson. Those are all the people I recall.

Q. Did you show to any Member of the House prior to the introduction of that resolution any draft of a resolution, whether it was the final draft or not?—A. I do not recall that I did, and I do not wish to include Mr. Sherman as having seen the resolution. I do not think he saw the draft of the resolution. I spoke to him about it. The people whom I showed it to were the other three.

Q. Now, what did you say to Mr. Sherman? You did not show him the resolution; what did you say to him?—A. I told him I was thinking of introducing the resolution?

Q. Is that all you said to him?—A. Why, practically, I think.

Q. Let us have all of it, so far as you can remember; that would be a very brief statement about introducing a resolution?—A. I told him I was thinking of introducing a resolution, and told him the nature

of it, to inquire into the methods of the Electric Boat Company as to securing legislation.

Q. Did you mention to him your dissatisfaction with the provisions which the Naval Committee had put in the bill on the subject of submarines?—A. Probably did.

Q. What did you say to him upon that point?—A. What did I say?

Q. Yes.—A. I talked along the lines of throttling competition.

Q. Did you not say to him, Mr. Lilley, that if the provisions were changed it would not be necessary to introduce this resolution; something of that kind?—A. How changed?

Q. Change the provisions in the Naval Committee.—A. I do not recall.

Q. Change it for competition, something of that kind.—A. I do not recall it.

Q. What was your object in telling him anything about it? You did not show it to him, you say?—A. No; I do not think I had a draft of it.

Q. Do you remember what day it was that you talked with him about it?—A. The 12th of February.

Q. The 12th of February?—A. I think so. I think I was just about leaving the Capitol building to go to New York. In order to locate the date I wired the Murray Hill Hotel, where I stopped, and I have a telegram saying here I registered at Murray Hill on February 12. Now, that was just before I left for the train.

Q. What you simply desired, as you have testified, was open competition?—A. Open competition.

Q. Was not your talk to Mr. Sherman about some way that you thought the necessity of introducing the resolution might be avoided?—A. I deplored the condition that necessitated an investigation.

Q. Would you have felt that it was necessary if the provisions in the naval bill had been otherwise?—A. If the provision in the naval bill had been as it had been in the previous year, so that it was for open competition left in the hands of the Navy Department, giving the Secretary discretion, I would probably have not introduced the resolution, but having heard from various people of high standing of the practices and methods that had been going on here for a great many years, I know before I got to Congress——

Q. You had not heard about that, however, between the 10th of February and the 12th?—A. I had heard enough about this company——

Q. That we understand.—A. To convince me that it would be the proper thing to find out what influences were at work so that it enabled them to pass such a motion as was presented at that time.

Q. Now, as you have just stated, if the provisions in the bill had provided for open competition, you would not have felt it necessary to introduce a resolution, or did you not say something of that kind to Mr. Sherman?—A. Possibly I did.

Q. Or that if the provisions were changed it would not be necessary to introduce it?—A. No; I do not recall that; it could not have been changed then, not in committee.

Q. The bill had not been reported yet to the House.—A. It might have been changed in the House.

Q. It might have been changed in the committee, might it not? It was not reported for five or six weeks after that.—A. I have never

known bills to have been changed in the committee after it had p
the committee.

Q. You testified here before that it could have been changed i
committee, and you hoped it would be. I am simply asking
question in harmony with the thought which I got from what you
before.—A. Will you please point that testimony out?

Mr. HOWARD. Do you admit it, or deny it?

A. There have been a number of questions put to me——

Mr. HOWARD. That is not the question. Do you admit it, or de

A. I do not recall it.

Q. Mr. Lilley, I have before me here a clipping. I am very po
of that, it can be found in the testimony: I remember distinctly
you did say that it might be changed in the committee, and you h
that it would be. Now, I assume from that that your object in s
ing to these gentlemen, to Mr. Sherman, was in the hope tha
change in the provision might be brought out so as to obviat
necessity of your introducing the resolution at all?—A. No; tha
not the object.

Q. What was the object in speaking to Mr. Sherman about th
A. Well, you might ask me what was the object of showing
Mr. Hobson, Mr. Payne, and Mr. Dalzell. I had no particular o
except in hearing what the opinion was, whether it was the p
thing to do or not.

Q. Are you prepared to testify positively that you did no
anything of that kind to Mr. Sherman?—A. Beg pardon.

Q. Are you prepared to testify positively that you did no
something of that kind to Mr. Sherman?—A. I do not recall h
said to him that if it could be changed in the committee I woul
introduce the resolution.

Q. No: but if it would be changed, it would not be necessa
introduce the resolution?—A. I may have said to him that I th
it was very unjust the way the thing had been acted upon and
it ought to be investigated.

Q. And unless it was changed you would have to have it in
gated?—A. I do not recall that.

Q. Did you not say to one or two other Members of the H
something to that effect?—A. I do not recall it.

Q. Now, I have before me here a clipping from the New
paper, I think it is the Sun, of Fepruary 21. I have to verify
because part of the copy was torn off; but it is dated Februar
There occurs in it this sentence:

> A member of the Naval Committee said to-day that he understood Mr. Lille
> offered to withdraw his resolution and his charges if his constituents, the Lak
> marine Company, was permitted to come in and share in contracts for subm

Is that correct?—A. That is not correct.

Q. Is it not correct that, excepting the use of the words "
Submarine Company," you said, "if open competition were
vided?" A. I do not recall ever having said that. I am very
itive that I have never said in my life that I would withdraw
resolution, after it was once in. I advised as to the wisdo
putting it in.

Q. I did not catch that.—A. I advised as to the wisdom of i
ducing it, but after it was introduced I have never said to an
that I would withdraw it.

Q. Are you positive that those four gentlemen that you have named, Mr. Payne, Mr. Dalzell, Mr. Sherman, and Captain Hobson, are the only Members of Congress to whom you spoke about it before introducing it?—A. That is my recollection. I do not recall having spoken to others. It is not impossible; it is not out of the question that I might have spoken to other Members of Congress, but I do not recall any others.

Q. Did you advise with Captain Hobson as to the wisdom of introducing it?—A. Yes.

Q. What did you say to him about it?—A. Why, I told him I was thinking of introducing the resolution.

Q. What did he think as to the wisdom of introducing it?—A. Why, Captain Hobson agreed with me that the practices of this company were reprehensible.

Q. Did you not say to him that unless you could have open competition provided in the bill——A. No, sir.

Q. You would feel that you must introduce a resolution of investigation? Now, you are very positive, Mr. Lilley, that after the resolution was introduced you did not say to anybody that you would under any condition withdraw it; are you equally positive that you did not before introducing it say or intimate to any Members of Congress that if open competition were provided you would not introduce it?—A. If it was the fact that competition had been closed that led me to introduce it, I might have given that as a reason for introducing it.

Q. Did you not intimate that if that provision were out it would not be necessary to introduce it?—A. I do not recall any such intimation. I very likely said what led me up to the introduction, the fact that competition had been shut out, and that a monopoly had been created and it would cost the Government an extra million and a half of dollars.

Q. Did you talk about that to Mr. Sherman, about the million and a half dollars?—A. I do not know that I mentioned the sum. My impression is that I did. Perhaps not a million and a half, it may have been a million dollars.

Q. Mr. Lilley, was there in the presenting of this matter in the Naval Committee this year any linking together of the four battle-ship proposition and the submarine proposition?—A. Not a particle that I know of.

Q. Were they discussed in any way together?—A. One member of the committee did not want to discuss the battle ships until after we had acted on submarines.

Q. Which came first?—A. On the battle ships.

Q. Now, was there any suggestion that it would be better to reduce the number of battle ships so that the number of submarines might be increased?—A. I do not recall; there was no such motion; I do not recollect any such.

Q. Was there any such discussion?—A. I do not recall any.

Q. Were the two propositions entirely related in any way in the discussion in the committee?—A. Not to the slightest degree, except one member spoke up and asked what we were going to do about submarines when we first began to talk about battle ships; he seemed to be desirous of knowing what was going to be done with submarines.

known bills to have been changed in the committee after it had passed the committee.

Q. You testified here before that it could have been changed in the committee, and you hoped it would be. I am simply asking that question in harmony with the thought which I got from what you said before.—A. Will you please point that testimony out?

Mr. HOWARD. Do you admit it, or deny it?

A. There have been a number of questions put to me——

Mr. HOWARD. That is not the question. Do you admit it, or deny it?

A. I do not recall it.

Q. Mr. Lilley, I have before me here a clipping, I am very positive of that, it can be found in the testimony; I remember distinctly that you did say that it might be changed in the committee, and you hoped that it would be. Now, I assume from that that your object in speaking to these gentlemen, to Mr. Sherman, was in the hope that the change in the provision might be brought out so as to obviate the necessity of your introducing the resolution at all?—A. No; that was not the object.

Q. What was the object in speaking to Mr. Sherman about that?—A. Well, you might ask me what was the object of showing it to Mr. Hobson, Mr. Payne, and Mr. Dalzell. I had no particular object except in hearing what the opinion was, whether it was the proper thing to do or not.

Q. Are you prepared to testify positively that you did not say anything of that kind to Mr. Sherman?—A. Beg pardon.

Q. Are you prepared to testify positively that you did not say something of that kind to Mr. Sherman?—A. I do not recall having said to him that if it could be changed in the committee I would not introduce the resolution.

Q. No; but if it would be changed, it would not be necessary to introduce the resolution?—A. I may have said to him that I thought it was very unjust the way the thing had been acted upon and that it ought to be investigated.

Q. And unless it was changed you would have to have it investigated?—A. I do not recall that.

Q. Did you not say to one or two other Members of the House something to that effect?—A. I do not recall it.

Q. Now, I have before me here a clipping from the New York paper, I think it is the Sun, of Fepruary 21. I have to verify that, because part of the copy was torn off: but it is dated February 21. There occurs in it this sentence:

A member of the Naval Committee said to-day that he understood Mr. Lilley had offered to withdraw his resolution and his charges if his constituents, the Lake Submarine Company, was permitted to come in and share in contracts for submarines.

Is that correct?—A. That is not correct.

Q. Is it not correct that, excepting the use of the words "Lake Submarine Company," you said, "if open competition were provided?"—A. I do not recall ever having said that. I am very positive that I have never said in my life that I would withdraw the resolution, after it was once in. I advised as to the wisdom of putting it in.

Q. I did not catch that.—A. I advised as to the wisdom of introducing it, but after it was introduced I have never said to anyone that I would withdraw it.

Q. Are you positive that those four gentlemen that you have named, Mr. Payne, Mr. Dalzell, Mr. Sherman, and Captain Hobson, are the only Members of Congress to whom you spoke about it before introducing it?—A. That is my recollection. I do not recall having spoken to others. It is not impossible; it is not out of the question that I might have spoken to other Members of Congress, but I do not recall any others.

Q. Did you advise with Captain Hobson as to the wisdom of introducing it?—A. Yes.

Q. What did you say to him about it?—A. Why, I told him I was thinking of introducing the resolution.

Q. What did he think as to the wisdom of introducing it?—A. Why, Captain Hobson agreed with me that the practices of this company were reprehensible.

Q. Did you not say to him that unless you could have open competition provided in the bill——A. No, sir.

Q. You would feel that you must introduce a resolution of investigation? Now, you are very positive, Mr. Lilley, that after the resolution was introduced you did not say to anybody that you would under any condition withdraw it; are you equally positive that you did not before introducing it say or intimate to any Members of Congress that if open competition were provided you would not introduce it?—A. If it was the fact that competition had been closed that led me to introduce it, I might have given that as a reason for introducing it.

Q. Did you not intimate that if that provision were out it would not be necessary to introduce it?—A. I do not recall any such intimation. I very likely said what led me up to the introduction, the fact that competition had been shut out, and that a monopoly had been created and it would cost the Government an extra million and a half of dollars.

Q. Did you talk about that to Mr. Sherman, about the million and a half dollars?—A. I do not know that I mentioned the sum. My impression is that I did. Perhaps not a million and a half, it may have been a million dollars.

Q. Mr. Lilley, was there in the presenting of this matter in the Naval Committee this year any linking together of the four battle-ship proposition and the submarine proposition?—A. Not a particle that I know of.

Q. Were they discussed in any way together?—A. One member of the committee did not want to discuss the battle ships until after we had acted on submarines.

Q. Which came first?—A. On the battle ships.

Q. Now, was there any suggestion that it would be better to reduce the number of battle ships so that the number of submarines might be increased?—A. I do not recall; there was no such motion; I do not recollect any such.

Q. Was there any such discussion?—A. I do not recall any.

Q. Were the two propositions entirely related in any way in the discussion in the committee?—A. Not to the slightest degree, except one member spoke up and asked what we were going to do about submarines when we first began to talk about battle ships; he seemed to be desirous of knowing what was going to be done with submarines.

Q. Was there any discussion of the subject?—A. No; I do not recall any discussion.

Q. Was there quite an animated discussion about the four battle-ship proposition?—A. Captain Hobson made a speech on that, I think.

Q. How many days did the discussion concerning the increase of the Navy——A. One——

Q. That all occurred in one day?—A. Yes.

Q. Of battle ships and everything else, all in the same day?—A. Yes.

Q. The vote apparently is all mixed up, according to the record here. That is, the vote on the four battle ships does not appear to have any relation at all to the record on submarines.—A. I do not know how I voted at all on the battle ships.

Q. The battle ship proposition was voted on first?—A. Yes.

Q. Then the torpedo boats?—A. Yes.

Q. Finally the submarine proposition?—A. Colliers, ammunition ships, mine-planting ships, and scout cruisers were voted ahead of submarines—were thrown out.

Q. Subsurface-boat proposition—did that come before or after?—A. That came after, as I think.

Q. You voted for $400,000 for a subsurface boat? You authorized the Secretary of the Navy not to exceed $400,000 for a subsurface boat?—A. If in his wisdom he thought it best, he had authority to buy one subsurface boat.

Q. Now, Mr. Lilley, did you ever say to any officer of the Government that the submarine proposition had defeated or interfered with the passage of the battle-ship proposition?—A. I do not recall.

Q. I will ask you directly, did you ever say to the President of the United States that the submarine proposition was in any way responsible for the defeat of the four battle ships in the Naval Committee?—A. I do not recall saying any such thing to him.

Q. Are you positive that you did not?—A. No.

Q. Do you not rather think you did?—A. No; I do not think I did. I do not attempt to charge my memory with conversations I have with different people every day of a nature of that kind.

Q. You do not converse with the President of the United States every day?—A. I think I would recollect if I said it to him, and I have no recollection of saying it.

Q. Do you remember having heard it said to him in your presence by anybody else?—A. Why, I do not recall, but it may have been said; it may have been said.

Q. That the submarine crowd had been instrumental in defeating the four battle-ship proposition?—A. Something of that nature may have been said.

Q. Did you do it?—A. I would not swear that it was or was not said.

Q. The probabilities are that it was said, aren't they?—A. I have answered that question to the best of my knowledge.

Q. Did you ever say to any newspaper correspondent that the submarine crowd had defeated the four battle-ship proposition or anything to that effect?—A. I do not recall it.

Q. Did you ever read anything to that effect in the newspapers?—A. That I have said?

Q. No; have you ever read it?—A. Yes; I think I have. I think that there has been some such statement as that in the newspapers.

Q. Mr. Lilley, on page 10 of this record, that you have before you there, there is published an article from the Washington Post referred to by you in your statement before the Committee on Rules and adopted by you, which you admit the authorship of, at the bottom of that page. The paragraph reads thus:

The resolution was introduced by him after a conference with the President at the White House earlier in the day. It is understood that no conclusion was reached at this meeting, except that it was agreed that Mr. Lilley should attack the position taken by the majority of the members of the Naval Affairs Committee and defend the recommendation of the Administration.

Now, what did you mean by that?—A. Why, the correspondent of the Washington press had an interview with me that afternoon and brought me around a typewritten copy after he had prepared it at the New Willard Hotel on that evening, just as I was going in to dinner——

Q. We have that——A. Won't you allow me to complete my statement?

Q. Very well.—A. I looked at it very hurriedly, and I assumed that it was what I said to him in the afternoon. If it was, that was my interview.

Q. You adopted this interview as being genuine in your statement before the Rules Committee, didn't you?—A. If it was what I dictated to him, it is genuine.

Q. It is an article that you accepted before the Rules Committee?—A. It is an article that I said—it is the only interview by a correspondent whom I gave it to that I have——

Q. I quote from your testimony before the Rules Committee as it appears on page 10 of our hearings. You had been asked about several other interviews which you had denied, and then follows this question:

Mr. SHERMAN. There is only one authentic interview, Mr. Lilley, and that is the one you have identified in the Washington Post of last Friday?
Mr. LILLEY. Yes, sir.

Now, then, is this that interview?—A. That is the interview that I referred to, and that is authentic, if it is as I dictated it.

Q. You do not accuse the newspaper man of having changed it?—A. I do not.

Q. Then what was meant by this phrase:

The resolution was introduced by him after conference with the President at the White House earlier in the day. It is understood that no conclusion was reached at this meeting, except that it was agreed that Mr. Lilley should attack the position taken by the majority of the members of the Naval Affairs Committee, and defend the recommendation of the Administration.

A. Well, I did not dictate that.

Q Then you now repudiate that interview?—A. Well, I do not repudiate having given to the correspondent of the Washington Post an interview, which he wrote down, and which he can bring here if you desire. He has it.

Q. You did say before the Rules Committee that that interview correctly represented you, did you?—A. I said that I gave the correspondent of the Washington Post an interview, which was the only interview I have given, and he wrote it down at my dictation.

Q. And that is the one?—A. If it is as I dictated, and he has the original, undoubtedly. I would prefer to have him produce it.

Q. Did you not give that testimony before the Committee on Rules? You read your testimony before the Committee on Rules, and wherever there were any errors naturally you corrected it, did you not?—A. I did not read this, and I have not read it since or before, that I know of, carefully. I did not dictate to him the reference to the President.

Q. Where did he get it? How did he know that you had been to see the President?—A. He knew that I had been to see the President.

Q. How did he know that?—A. People down there knew—the reporters down there at the White House. Undoubtedly I told him that I had been to see the President, but I did not dictate it in that way.

Q. I will read from your testimony before the Committee on Rules, page 9:

Mr. DALZELL. I want you to look at that Post and say whether that is the interview that you are willing to be responsible for [submitting copy of the Washington Post].

Mr. LILLEY (after examining same). Yes.

A. Well, that is the interview.

Q. That you said in reply to Mr. Dalzell. Now, do we understand that you wish to repudiate that interview?—A. No; if that is what I dictated to him, I do not wish to repudiate it.

Q. You looked at it before the Rules Committee?—A. I did not read it; I looked at it.

Q. You said you made yourself responsible for it.—A. I looked at it and said that yes, I had given that interview, assuming, of course, that it is as I gave it. I have not compared it with the dictation which he took down.

Q. You might have said that with reference to the New York Sun article or any other article, that it is correct if it is correct; that is what I gave if I gave it.—A. I had no interview with the New York Sun at any time.

Q. This interview you did accept the responsibility for in your testimony before the Committee on Rules?—A. I have never taken this newspaper clipping and the dictation which he took from me and compared it. If it is printed correctly, it is my interview.

Q. You did repudiate a lot of other interviews, did you not, before the Committee on Rules?—A. Yes, sir.

Q. And you assumed responsibility for this one?—A. Yes, sir.

Q. Now, then, what is the ground of that phrase; the resolution was introduced by him after conference with the President at the White House earlier in the day. It is understood that no conclusion was reached at this meeting, except that it was agreed that Mr. Lilley should attack the position taken by the majority of the members of the Naval Affairs Committee and defend the recommendation of the Administration.—A. That is interjected in my interview, because I never dictated that. I have no recollection of dictating anything like that. He has got my interview, he wrote it down as I called it off, and I am pretty sure that I dictated nothing of that kind.

Q. Then there is no more significance to that than if he said after breakfast he determined to introduce the resolution? Why was the President introduced into this matter at all?—A. He was not introduced by me. There were a large number of correspondents who

came to me when I came out of the White House, and at other times during the day, to know what conversation I had with the President, and I declined in every instance.

Q. Who called with you on the President on that day?—A. I called by invitation of the President.

Q. In reference to submarine matters?—A. I did not know.

Q. But when you got there you learned?—(No answer.)

Q. Had you asked for an appointment?—A. No, sir.

Q. What was it about?—A. It was about the naval programme.

Q. What about it?—A. I do not recall the conversation, except that he was for four battle ships. He was for a large naval programme.

Q. Was the subject of the investigation brought up there?—A. I think it was.

Q. Who brought it up?—A. I think that I said that I was thinking of introducing a resolution.

Q. Did you not give him, at that very meeting, to understand that the submarine question had in some way affected the vote on the four battle ships?—A. I do not recall that I did.

Q. Do you not rather think you did?—A. I do not recall any specific conversation of that character.

Q. Did he seem to have any impression on his mind?—A. No; he had four battle ships on his mind.

Q. Yes; we all understand; you seem to have made that apparent. Did he seem to have the impression that anything connected with the submarine legislation affected the four battle ship proposition?—A. I would rather he would be examined as to that.

Q. I presume you would. We are examining one witness at a time.—A. I do not recall a conversation of that character.

Q. What did you say to him on that subject?—A. I think that I told the President that I was thinking of introducing a resolution.

Q. Did you show him a copy of it?—A. I do not remember. I do not think I did.

Q. Did you have it with you?—A. Yes, sir; I think I did.

Q. Is it not a fact that you led the President to believe or to have reason to believe or to suspect that in some way that the friends of certain submarine legislation were opposed to the four-battle-ship proposition?—A. I do not recall any such statement.

Q. We would like you to be pretty positive about that, Mr. Lilley.—A. Well, I think I could tell you a man who might remember that conversation better than I. Captain Hobson was in the room at the time.

Q. You said there was no one there.—A. I said I was sent for. I didn't say there was no one there.

Q. Where were you when you were sent for?—A. I think I had a telephone message in the afternoon before to know if I could call.

Q. Who was that from?—A. I think Mr. Loeb.

Q. Had you previously addressed a communication to the President on the subject?—A. None whatever.

Q. Did you tell him how you voted in the committee on the four-battle-ship proposition?—A. I do not think so.

Q. I think you said a few minutes ago you did not know how you did vote on it?—A. I do not remember now whether I voted for two or four.

Q. But in that interview with the President you determined you would attack the position taken by a majority of the committee on the recommendation of the Administration?—A. When I reached the White House Captain Hobson was with the President and as I remember it, he did practically all the talking.

Q. Did he seem to be under the impression that the submarine legislation had in any way affected the four-battle-ship proposition?—A. I do not recall, but it is not impossible, but I do not recall.

Q. Well, now, think it over, Mr. Lilley, and be pretty positive. Is it not a fact that that was discussed at your conference?—A. I do not recall that it was.

Q. You say positively that nothing was said upon that subject?—A. That is the most positive statement that I can make—that I do not recall any statement by either Captain Hobson or myself except that the submarines were fighting the battle ships.

Q. Did either of you tell him how other members of the Naval Committee had voted on the four battle ship proposition?—A. I do not remember.

Q. Did he seem to know about it?—A. I do not think it was discussed.

Q. Then he did not know whether he was talking with friends of four battle ships or opponents to four battle ships?—A. I do not know how he knew how I voted, but I understand that he talked with all the members of the Naval Committee; sent for them at various times, even those who voted for two. I think he was trying to persuade all of the members to appropriate for four.

Q. Then if there was any obstacle in the way of the four, the President would want to know what it was?—A. Mr. Olmsted, I can not answer you any better or more intelligently than I have. I recall no conversation of that nature. Captain Hobson was there present and if you will recall him, he may know something about it. I certainly remember of no conversation between the President and myself of any contest between submarines and battle ships.

Q. Now, did you happen, then, in that connection, in your talk about four battle ships to say that you contemplated an investigation; how did you mention it at all?—A. I don't know how I happened to speak about it to him; I do not recall. I said something to him, I think, but I would not be positive that I showed him the resolution or said anything to him, but I think I did. Captain Hobson was there; he may remember the whole conversation, but I never attempted to charge my memory with——

Q. Unimportant details?—A. With the discussion that was carried on in regard to that conversation, except I do remember he was for four battle ships.

Q. Did you tell the President you did not know how you had voted on that proposition in the Naval Committee?—A. No, sir.

Q. Mr. Lilley, you have heretofore testified about meeting Captain Hobson and having some discussion of submarine matters. Where did that meeting occur?—A. The first time I met Captain Hobson I met him on the midnight train at New Haven, coming to Washington, in December, I think; it might have been in January.

Q. Either December, 1907, or January, 1908?—A. He had gotten on at Hartford, as I remember it; he had given a lecture up there, and I had never met him and had never seen him, but I recognized him

from the pictures I think that I had of him. I asked him if he was not Captain Hobson. He said, "Yes." He was sitting in the smoking compartment of the sleeping car. We talked there for perhaps a half hour before I retired.

Q. That was in the sleeping car?—A. Yes, sir.

Q. How did you happen to get on the submarine question at the first meeting? Had the Naval Committee been appointed?—A. Oh, yes. I told him we ought to know each other; we were on the same committee.

Q. Then you got on the submarine question very promptly?—A. Yes, sir. There was some talk about submarines.

Q. Who introduced the subject?—A. I can not tell.

Q. Is it not probable that you introduced it?—A. Very likely.

Q. Was anything said about the subsurface boat in that interview?—A. I do not recall any mention of it.

Q. When did you first make up your mind to support the subsurface appropriation, appropriation for a subsurface boat?—A. I did not make up my mind until my name was called that day.

Q. How did you happen to make it up so quickly then?—A. I thought I would give the Secretary a chance on one of those boats, if they thought it was a proper weapon for the Navy to have.

Q. Did you have any talk with the Secretary of the Navy about it?—A. Not any.

Q. Have no knowledge of the cost of the subsurface boat?—A. I have not had a talk with anyone about it.

Q. Is it not a fact that you first refrained from voting and Captain Hobson said, "Come on, Mr. Lilley, give us a vote." Do you remember something of that kind occurring?—A. I am inclined to think that you have stated that pretty nearly correctly.

Q. The Captain had already voted with you on the submarine proposition?—A. I do not know; no, I think Foss is the man that voted with me on the submarines. I think Hobson voted for the submarines.

Q. In the affirmative, Mr. Mudd's proposition, "For submarine torpedo boats to be contracted for after such competitive tests as the Secretary of the Navy may prescribe, $3,500,000, of which the sum of $1,000,000 is hereby appropriated," the vote on this was Messers. Foss, Mudd, Lilley, Ellis, Padgett, and Hobson.—A. That was an amendment, as I understand it, to the original motion. I don't know how Captain Hobson voted.

Q. That is what the record shows.—A. I knew Captain Hobson was supporting it, and he seemed to think these subsurface boats were of great value. I judged from his opinion that he thought they were better than submarines and yielded simply to his judgment.

The CHAIRMAN. Before taking a recess, Mr. Howard, have you found that testimony Mr. Lilley wishes to correct?

Mr. HOWARD. I do not know. It was page 35, Mr. Olmsted asking the questions. In the compilation you have you will find that on page 45.

The CHAIRMAN. It would be page 45.

Mr. HOWARD. Look on page 45 in the compilation; if you will look there, near the bottom you will see:

The committee has not yet made its report.—A. It has passed on the bill; I do not know whether it has been reported to the House or not.

Q. In fact it has not, and it is within the power of the Naval Committee to consider it.—A. Yes; and I sincerely hope they will.

The CHAIRMAN. The committee will take a recess until half past 2.

(Thereupon the committee took a recess until 2.30 o'clock p. m.

The committee met at 2.30 p. m. pursuant to the taking of recess.)

TESTIMONY OF GEORGE L. LILLEY—Resumed.

GEORGE L. LILLEY, being recalled, on being examined, testified as follows:

By Mr. OLMSTED.

Q. We find in the New York World an article headed—

BEATEN AT THE START, SO LILLEY SAYS—PROSECUTOR DECLARES WHITEWASH ALREADY IS PREPARED IN SUBMARINE SCANDAL.

[Special to the World.]

WASHINGTON, D. C., *March* 7.

Representative Lilley was notified to-day that the special committee to investigate the Electric Boat Company will hold its first regular meeting Monday morning, and that he will be expected to appear and furnish whatever information he has to as to corrupt practices by that company. All names given will be treated in confidence until the witnesses actually appears before the committee. Moreover, summonses will be sent out as short a time before starting as possible. All hearings are to be open to the public and Mr. Lilley is to be allowed to have a lawyer present to coach the committee. In spite of this the Connecticut man is still angry because the Speaker failed to appoint him chairman or even a member of the committee. He declares that he is beaten at the start and that the whitewash for the Electric Boat Company already has been prepared.

What do you say as to the correctness of that article?—A. I have not given any interview of that character.

Q. Did you make any of the statements attributed to you therein?—A. I can not recall having done so.

Q. Did you state that "the whitewash is already prepared," or anything to that effect?—A. No, sir; I have no recollection of making any such statement.

Q. Did you state to anybody anything about whitewashing by this committee?—A. I have not any such recollection.

Q. Did you ever put in writing any thing to that effect?—A. I do not recall having done so.

Q. How about the rest of the article. Did you state to anybody that you were angry because you had failed to be appointed chairman?—A. I did not state it to any newspaper reporter that I remember. Any interview with me in a newspaper would be typewritten and submitted to me.

Q. If you happened to say anything, although not in the form of an interview, in the presence of a newspaper reporter, he might print it?—A. I do not recollect having done so.

Q. It appears very often in the papers?—A. Yes, sir; I have had several hundred clippings in which——

Q. Then to whom did you make that statement?—A. To whom did I ever make it?

Q. Yes.—A. I don't recollect.

Q. Do you recall making it at all?—A. I do not recall making it.

Q. Did you expect to be chairman?—A. I did not know. I had been told that members who desired to investigate were given that privilege when resolutions were passed.

Q. By whom had you been told that?—A. I can not recall; but by more than one.

Q. When?—A. Before the committee was appointed. I can not tell when.

Q. Before you introduced the resolution?—A. No; I do not think it was before that.

Q. Did you not, before the resolution was passed by the House, and before it was acted upon by the Committee on Rules, say to a member of the House that you expected to be chairman, and consult with him as to who should go on the committee with you?—A. I might have stated that I had been told that that was the custom, but I never applied to the Speaker to be made——

Q. No; I do not mean that.—A. To be made chairman of the committee.

Q. But you did expect to be made chairman of the committee?—A. I had been told that such had been the custom; I can not state that I expected to be.

Q. You took it for granted that you would be?—A. I had been told so.

Q. Then you did not state to anybody, either verbally or in writing, that the committee was appointed for the purpose of whitewashing anybody, or that you were certain it would whitewash somebody?—A. I do not recall having made that statement.

Q. Or anything about whitewashing?—A. I do not recall it.

Q. You have seen it very often in the newspapers, haven't you?—A. I have not read the papers very carefully.

Q. But you have seen that statement?—A. I have seen that statement.

Q. And you never contradicted it?—A. I do not take it upon myself to contradict all the things that appear in a newspaper.

Q. Do you know Mr. George W. Goff?—A. I do not know him.

Q. Did you ever hear of him?—A. Only what I saw in a paper, and the fact that my secretary wrote to him.

Q. Did you ever have a letter from him?—A. I probably did. I do not think I ever saw the letter, however.

Q. Did you ever write a letter to him?—A. My secretary wrote a letter to him.

Q. Did such a letter go from your office as this:

Mr. G. W. GOFF,
The Easthampton Bell Company, Easthampton, Conn.

MY DEAR SIR: I have your favor of the 20th and thank you for your kind words of encouragement. The select committee to investigate have already demonstrated their intention to apply the whitewash brush wherever they can, therefore it is safe to assume that very little will be brought out. They refused me the privilege of counsel to cross-examine witnesses, and don't allow me to ask questions except by submitting them in writing, and even then they may throw out those which they deem improper, which means throwing out all important questions. I believe, however, the press of the country is already fully convinced.

Again thanking you, I am,
Very sincerely, yours, GEO. W. LILLEY.

WASHINGTON, D. C., *March 25, 1908.*

Do you deny the authenticity of the letter?—A. I do not think I dictated that letter.

Q. I do not care who dictated it. It is your letter, isn't it?—A. If you will let me see that, if my name appears. But I have been in the habit of allowing Mr. Webster to answer——

Q. Well, you signed this letter, didn't you, no matter who wrote it?—A. I do not think so. I signed very few letters, but I gave Mr. Webster the privilege of signing my name to letters; he signed most all the correspondence.

The CHAIRMAN. We will call Mr. Webster.

TESTIMONY OF BENJAMIN WEBSTER—Recalled.

BENJAMIN WEBSTER, being recalled and being examined, testified as follows:

By Mr. OLMSTED:

Q. You have heard that letter read?—A. Yes, sir.

Q. Tell us what you know about it.—A. Why, I believe I wrote the letter.

Q. At whose instance?—A. I do not know that anyone suggested it. I could not say definitely, but I am very positive that I composed it of my own initiative entirely.

Q. Who signed it?—A. I think I did.

Q. Do you sign George L. Lilley's name without his authority?—A. I have his permission.

Q. Have you that permission in writing?—A. No, sir.

Mr. LILLEY. He has my authority.

Q. When did you first see that letter?—A. This letter in the public press?

Q. When did you first see the letter from Mr. Goff?—A. I usually answer Mr. Lilley's mail within twenty-four hours——

Q. Give us the fact about his letter.—A. As I started to say, I usually answer mail within twenty-four hours——

Q. I don't care when you usually answer mail. When did you see that letter to Mr. Goff?—A. Is there a letter from Mr. Goff here?

Q. Certainly there is a letter.—A. I thought that was a letter to Mr. Goff.

Q. This is in answer to a letter of Mr. Goff. When did you see the letter from Mr. Goff?—A. I have no way of stating that; I usually answer mail within twenty-four hours. It probably came in within twenty-four hours of when this letter was written.

Q. Who showed it to you?—A. I opened it, undoubtedly.

Q. What did you do with the letter?—A. I undoubtedly have the letter.

Q. Will you produce it?—A. With Mr. Lilley's permission.

Q. Then will you produce from your letter book the letterpress copy of the reply to that letter?—A. With Mr. Lilley's permission.

Q. And do it right away. You can get his permission, I have no doubt.

The CHAIRMAN. Mr. Lilley, will you give permission to Mr. Webster to produce this letter from Mr. Goff and a copy of the reply, the original letter from Mr. Goff and a copy of the reply?

Mr. LILLEY. I will give you a copy of the reply and the original letter, if I can find it.

The CHAIRMAN. Now you have your permission, Mr. Webster.

TESTIMONY OF GEORGE L. LILLEY—Resumed.

Hon. GEORGE L. LILLEY, on being recalled, and on being examined, testified as follows:

The WITNESS. The copy of the letter is there, and he can not get the reply now. It is not at the office.

The CHAIRMAN. Where is it?

The WITNESS. The copy of the reply is at the New Willard.

The CHAIRMAN. Will you give him your key so that he can get it?

The WITNESS. He can not get it. Mrs. Lilley I do not think knows where it is. I can get it.

By Mr. OLMSTED:

Q. Mr. Webster is your secretary and he keeps your letter books, doesn't he?—A. Ordinarily.

Q. Is this of such special importance, or of such especially important nature, that it was not to be kept by him?—A. No, sir.

Q. If Mr. Webster dictated and signed this letter and you did not know anything about it, how do you know it is at the Willard?—A. It is in my letter book.

Q. How do you know that?—A. I have seen it.

Q. When have you seen it?—A. Since this matter came out in the paper.

Q. You say it is signed in your name?—A. Yes, sir.

Q. It was signed by you, then?—A. No; it was not signed by me. My name was signed to it.

Q. By your authority?—A. He has authority to sign my name; yes

Q. Having seen it in the newspaper, you did not repudiate it?—A. No, sir.

Q. And have not repudiated it yet?—A. No, sir.

Q. Do you repudiate it now?—A. Why, I do not feel called upon to issue a statement to the press repudiating things that are published.

Q. Over your signature?—A. I do not personally desire to make that charge, if that is what you are——

Q. But it has been made over your signature, and it has been a month now since it was published. And you could have at any time within that month withdrawn that, either on the floor of the House or before this committee.—A. I am perfectly willing to withdraw it if that is what you mean.

Q. We want you to locate the responsibility for the charges contained in that article.—A. Well, my secretary answers nearly all of my mail and he signs my name to it.

The CHAIRMAN. But you knew that this letter was in existence over your signature a month ago. While this committee might be disposed to pass it entirely by, it is such a gross reflection upon the character and integrity of the House of Representatives and the officers of it, that it can not go unnoted, and a month has elapsed since you have sworn that you had knowledge that it was in existence over your signature, and during that month it certainly would have been possible for you, as a matter of privilege, to have explained it on the floor of the House or before this committee, if any explanation was forthcoming.

A. Well, I withdraw or disclaim the charge, if that is what you want me to do, if that is the idea.

The CHAIRMAN. It is not a question of the withdrawal of the charge.

A. Well, I disclaim the charge.

Q. You had known for a month that it had gone out over your signature, and had been in the public prints over your signature.—A. I have known it for some time; I suppose it is a month.

Q. Did you ever reprimand your secretary for sending out such a matter over your signature?—A. I have sometimes reprimanded him.

Q. That is all the answer you care to make to that question?—A. Did I ever reprimand him?

Q. Yes.—A. Yes; I have reprimanded him.

Q. That was not what I asked.

By Mr. BROUSSARD:

Q. I would like to ask you some questions. Do you mean to tell this committee that you have reprimanded your secretary with reference to this particular letter?—A. I think I did.

Q. I want to know. You ought to remember that, because that is a reflection upon the men who are associated with you, and you ought to remember that. I know you do not remember unimportant things such as a conversation with the President of the United States upon a subject affecting this investigation, but this is one that you ought to remember. Do you remember to have reprimanded him for writing this letter?—A. I do not recall whether I did.

Q. It is a categorical question. Of course the word "recall" is a very common word. This is a categorical question, and I think that I have a right to insist upon a categorical answer. Do you realize that this letter reflects on all the membership of this committee and those who have been concerned in the passing of your resolution, which was passed unanimously by the entire membership of the House? This reflects upon not only those who voted for the resolution, but the man who appointed this committee and every man on this committee. You stated a while ago that you had been in the habit of reprimanding your secretary without revoking your authority granted him to sign your letters, but you can not remember whether you reprimanded him in a matter affecting the interest of every man who is associated with you in the lower House of Congress. Is that what you mean to impress upon this committee?—A. I think I did.

Q. Don't you know you did?—A. I am very sure that I did.

Q. Why didn't you tell us that at the start? Why did you leave the matter in doubt, on "recall," "I don't think," or "I may have?" Why didn't you tell us frankly? You voted for this resolution yourself, didn't you?—A. I am not absolutely positive about it.

Q. But you say now you are sure you did.—A. I said I thought I did.

Q. You said just now you were sure you did.—A. I say that I think I did.

Q. I will ask you this question: Would you retain in your employ an agent who would so mislead the entire public as to so depict your associates in the very important position of legislator for this great Republic, including yourself, who, if I understand you, voted for this resolution, and simply reprimand him and not discharge him?—A. Well, I have not discharged him.

Q. I understand you have not, and that is what I want to find out, why you would not discharge a man who would abuse your confidence

in that manner. I would like to know your reasons.—A. I have not given that matter any thought. I read these things every day——

Q. Do you hold your honor so light as not to discharge a man who abuses your confidence?—A. I have not discharged him.

Q. But I want an answer to the question. Do you hold your honor so light that you would not discharge a man who absolutely betrayed your confidence, and in doing so had affected the responsibility or the credibility or the honesty of the men associated with you?—A. I can only answer that by saying that I have not discharged him.

Q. Now, who signed this letter?—A. Mr. Webster signed my name to the letter.

Q. Who signed this particular letter?—A. Mr. Webster signed my name to it.

Q. Have you got the letter?—A. I have a copy of it.

Q. In what shape have you got it?—A. I have a carbon copy.

Q. Does the name of Mr. Webster appear as signing this letter?—A. I think not.

Q. Where is that letter?—A. It is down in my room.

Q. At the New Willard?—A. Yes, sir.

Q. Is it together with other letters or separate and apart from other letters?—A. It is on a sheet by itself.

Q. Is it put together with other letters or apart from other let ters?—A. It is with other letters.

Q. Does Mr. Webster know where they are?—A. No, sir.

Q. He doesn't?—A. No, sir.

Q. Who knows where they are?—A. I do.

Q. Who else?—A. No one that I know of.

Q. Why do you keep them confined that way. You trust Mr. Webster with the signing of letters, yet you will not trust him with a copy of it. What is your reason for pursuing that particular policy with regard to this letter?—A. I have not any special reason. I am perfectly willing to trust him with a copy of it.

Q. Why did not you intrust him with the copy of it?—A. I haven't any.

Q. You haven't any reason?—A. I have no particular reason to offer.

Q. Where did you get that letter from?—A. I got it from my room.

Q. Where did you take it from him?—A. I did not take it from him.

Q. How did you get it? It is not your letter. He wrote it; he signed it.—A. I took it down to the New Willard myself.

Q. Where did you get it?—A. From my office.

Q. From your office?—A. Yes, sir.

Q. Do you keep any letters in your office?—A. Why, we do not save them very long; we keep some.

Q. Have you got some there now?—A. Some letters in the office.

Q. What made you take this letter from your office?—A. I wanted to keep it.

Q. Why did you keep it?—A. To show that I had not signed it.

Q. So you were preparing to shield yourself from newspaper publications?—A. That naturally interested me.

Q. How much did it interest you? Did it interest you sufficiently for you to deny it or affirm it?—A. I have testified to that.

Q. When?—A. A few minutes ago.

Q. That is your opinion, but it is not mine. I want to know the reason why you kept this letter apart, and the only reason which you have given was that you wanted to show that you had not signed it.—A. No other reason.

Q. When did you first see the letter?—A. After this came out in the paper.

Q. What called your attention to the letter?—A. This article that appeared in the paper.

Q. Are you acquainted with the gentleman who wrote you, to whom you replied with this letter?—A. I am not.

Q. You are not acquainted with him?—A. No, sir.

Q. Do you know where he lives?—A. I do not.

Q. Do you know what his business is?—A. I do not.

Q. Do you know anything about him at all?—A. I do not.

Q. You can get this book for us?—A. I can.

Q. Is it a book or a separate letter?—A. I can get you the letter.

Q. But you stated a little while ago that it is a letter book?—A. It is.

Q. But you said a while ago it was a separate letter?—A. I said it was separate by itself, a separate page.

Q. You mean it is in a book, in a certain page?—A. Yes.

Q. That there are no other things written on that particular page except this letter?—A. No other thing.

Q. So it is a book, after all?—A. It is in a copy book.

Q. Who has got the original of the letter to which this is a reply?—A. I don't know. I presume it may be down in the office.

Q. Why did you not take the original letter when you took the reply?—A. It did not occur to me.

Q. You simply took the reply?—A. Yes, sir.

Q. That Mr. Webster had written and signed?—A. Yes, sir.

Q. With your name?—A. Yes, sir.

Q. Because you had noticed the publication of it in a paper?—A. Yes, sir.

Q. And that was the only reason?—A. Yes, sir.

Q. For the reason that you wanted to keep proof of the fact that you had not yourself signed it?—No answer.

By Mr. OLMSTED:

Q. I do not understand whether you have offered to produce—you have mentioned it once as a carbon copy, and another time as a letter book. What I understand by a carbon copy is where a copy is made on a typewriter machine at the same time that the original is written. Is that what this is, or is it an impression in a copy book?—A. It is an impression.

Q. In a copy book? It has the impression of the signature as well as the body of the letter?—A. Yes, sir.

Q. What other letters of this same kind referred to this committee have been written by your secretary and signed in your name?—A. I can not tell you.

Q. You know that there have been some, do you not?—A. Possibly there have.

Q. About how many?—A. I do not know.

Q. A dozen?—A. I could not tell you that.

Q. Have you those letters at the New Willard?—A. I think so.

Q. You will let us have those all at one time?—A. Why, I do not

think it is within the scope of this resolution to examine my private correspondence.

By the CHAIRMAN:

Q. It does not need a resolution for this committee, in the course of its proceedings, to protect the honor and dignity of the House of Representatives or of this committee. That may come up at any time, and it might be the duty of this committee at once to report in the proceedings to the House something entirely collateral and absolutely independent from the scope of this resolution. It is simply something that may come up collaterally, and we are bound to protect the honor and integrity of the House.

Mr. LILLEY. May I consult with counsel?

The CHAIRMAN. You may consult with counsel if you choose.

Mr. LILLEY (after consulting with counsel). The letter to Mr. Goff was written without my knowledge and without my authority, and without any authority from me except the general authority to my secretary to attend to my correspondence. I had nothing to do with its publication. Such responsibility as the situation thrust upon me——

The CHAIRMAN. What are you reading from?—A. I am reading from what my attorney has written.

The CHAIRMAN. A statement prepared by your attorneys?—A. Yes, sir.

The CHAIRMAN. We should like to see a letter press book containing a copy of this letter and all similar letters reflecting upon this committee and the House.—A. Mr. Chairman, I object to the production of this correspondence.

The CHAIRMAN. We call for the letter press book containing the copy of this letter and the copies of other letters referring to this investigation. You understand the request?—A. I object to producing my private correspondence.

The CHAIRMAN. You decline to produce it?—A. I object to producing it.

The CHAIRMAN. What is the ground of your objection? Let your counsel state the grounds.

Mr. BROWN. May I have the privilege to speak for my client?

The CHAIRMAN. Yes; state fully all the objections to producing these letters reflecting upon the committee and the character of the House.

Mr. BROWN. So far as the letter to Mr. Goff is concerned, Mr. Chairman and gentlemen of the committee, it has appeared in the public press. Of course it has been in circulation. If Mr. Lilley had been responsible for its production it would create a situation very different from what would happen if he wrote a letter to a friend. That letter he has treated by itself. He has denied any responsibility for it, except so far as his general authority to his secretary to attend to his correspondence may cast responsibility upon him. That he accepts, without repudiation or anything of the kind. It is not intimated, Mr. Chairman, that Mr. Lilley has written any other letters that have come to public notice. When it appears that any other letter he has written has been printed in the newspapers, then he will deal with the situation when the occasion to do so arises. So far as any letters written in confidence to friends are concerned, which

have no bearing on matters within the scope of the investigation conducted by this committee, which I understand from the resolution is confined to charges against the Electric Boat Company—so far as he has written any letters not referring to that, but merely matters of the expression of opinion, whether in allusion to or criticism of this committee or any member of the committee, he considers those a private matter, not related to the solution of the questions before this committee, and he believes that it would be unjust to him to have the committee insist that he produce them, just as much of an injustice as to say that his mouth was closed and he could not in confidence talk with friends about what he considered to be the proper conduct of the committee or improper conduct. He objects, therefore, to producing before this committee any letters that are simply confidential between him and his friends.

The CHAIRMAN. Have you any further suggestions to make on that line?

Mr. BROWN. Nothing further.

By Mr. OLMSTED:

Q. Before the chairman announces the conclusion of the committee upon that proposition, it occurs to me to ask you a few more questions. Perhaps they have already been answered. This letter to Mr. Goff, which you testified was written by your secretary and signed with your name under his general authority from you, appeared in the Courant, published at Hartford, March 30. You saw it about that time, or did you see it when it was written?—A. No; I never saw it until I saw it in the paper.

Q. That was about the last of March.—A. It must have been soon after March 30.

Q. Did you in any way, either by communication with Mr. Goff or by communication with the Hartford Courant, or upon the floor of the House, or before this committee, disavow the authorship of the letter which appears over your signature?—A. No, sir.

Q. I would like to ask you in what way this committee had demonstrated its intention to apply the whitewash brush to anybody?—A. I object to passing upon the acts of this committee at this time.

The CHAIRMAN. This is a question with reference to your opinion of the committee on March 25.

Q. And which you have allowed to stand in the public print for about a month. You say "They refused me the privilege of counsel to cross-examine witnesses." Did you ever know of any reason or any precedent why you should be any more entitled to have counsel here to cross-examine witnesses than any other Member of the House of Representatives?—A. I understand the precedents are that way.

Q. What precedents?—A. In the Lessler case and all election cases in the Senate and the Smoot case, and way back in James G. Blaine's time.

Q. In looking up the precedents did you happen to come across the case where General Sherman, when Secretary of the Treasury, was named in the resolution and made practically the defendant in the hearing, and he was refused to have even counsel to sit near him and talk to him, or to have counsel in the committee room at all?—A. He was a great lawyer and probably able to take care of himself.

Q. But he wanted other counsel. Did you come across that precedent in your investigation?—A. No, sir.

Q. Do you know of any more reason why you should have counsel here to examine witnesses than the Electric Boat Company should have counsel to examine witnesses, it being the party accused in the resolution?—A. It is not a question of comparison. It is a question of the proper introduction of evidence.

Q. Proper introduction of evidence?—A. Yes, sir.

Q. What has the witness to do with the introduction of evidence except his own? We would like your testimony, and we are willing to hear any statement from your counsel, but not that he shall testify through you.—A. I think if I had had counsel to cross examine witnesses——

Q. Why should one witness have counsel to cross-examine another witness? Did you need counsel to draw out from you what you knew on the subject?—A. I did not realize that I was in the position of a witness. If I had, I would have been glad to have given my testimony upon the first day and leave the whole situation there. But I supposed that it devolved upon me to assist this committee in bringing out this evidence, and that I had something at stake myself.

Q. Did you have more at stake than the people who were accused by the resolution?—A. I do not know that I had any more at stake than the people accused.

Q. They were denied the privilege of cross-examining the witnesses and denied even the privilege of cross-examining you.—A. Well, I do not think their need of counsel was as great as mine. The witnesses that had to be examined to substantiate my charges were witnesses that were on the defensive—they were unwilling witnesses; in order to draw out the real facts it was necessary to have counsel to examine and cross-examine them.

The CHAIRMAN. Right there, on that point, it might be just as well to state, on behalf of the committee, what we would have stated later on, in order to correct a misapprehension which seems to be in your mind and which has been spread broadcast through interviews attributed to you, that you have been deprived of some right in not being allowed to appear here by counsel. Let me remind you that the painful duty of conducting this investigation was placed by the House upon this committee. This committee is investigating certain charges and this committee has always had and still has the right to employ counsel to conduct the investigation, and if at any stage of the proceedings we had thought that we needed counsel we would have employed counsel, and if between now and the closing of the hearings we feel the need of counsel we have a right to employ counsel. But this committee, and not the Member, not the principal witness, is conducting this investigation, and the right of a witness before this committee is simply the same right as that of any of the other 383 Members of the House who are not present here. The employment of counsel to cross-examine witnesses in conducting this investigation is with this committee and always has been. I trust with this statement the gentleman's misapprehension with reference to his position, that he has been deprived of any right, which has been commented upon so widely, will be removed. This committee is appointed by the House to investigate these charges and you appear here as the one making the charges and having evidence to give which we are patiently and exhaustively considering.

By Mr. OLMSTED:

Q. I will ask you one further question, and that is whether any of these letters which your counsel has urged you not to produce and which you are asked to produce were directed to newspaper people, the editors, owners, or others connected with newspapers in any way?—A. I can not say positively, but I think there was one.

Q. May there not be more?—A. I do not think so.

Q. To whom would it be addressed or was it addressed?—A. That was addressed to Mr. Lathrop.

Q. And with what newspaper is he connected?—A. The Waterbury Republican.

Q. Have you any objection to letting us have that letter?—A. It was not published, and therefore I have.

Q. But that might have mapped out the policy of the paper and formed the basis of half a dozen articles?—A. Not at all.

Q. We can hardly judge of its object without seeing it, but we will pass that for the present. I think you are familiar with the article which appeared in the Bridgeport Standard of March 25. Do you remember the article?—A. Yes; I remember it.

Q. What can you tell us about it?—A. Well, I can not tell you anything about it, except that I was in Connecticut at the time that article was written.

Q. Do you know who wrote it?—A. I do not.

Q. Where did you see it?—A. I think there is a correspondent here for the Bridgeport Standard.

Q. Did not you get a telegram from somebody in the House of Representatives or somebody in Washington, telling you some facts that are similar to these reported in this article?—A. Yes, sir; I have imparted that information to the chairman, confidentially, some time ago.

Q. Have you any objection to stating it publicly, so that it will go on the record?—A. Why, I object to stating it; but I will state it, if you insist. It is something I gave confidentially to the chairman.

The CHAIRMAN. The only statement you made to the chairman was that the article was written after a telegram received by you from somebody in Washington, giving the information. You did not state who the man was.—A. Not that the article was written afterwards. I do not know whether it was written before or after, if the chairman will permit me to correct. The telegram I got was from Mr. Webster, stating that he understood that four gentlemen were going to Connecticut.

Q. What date was that?—A. I can not tell you the date.

Q. Do you know the day of the week?—A. No, sir.

Q. When you went to Connecticut?—A. No, sir; I do not.

Q. Don't you know when you went to Connecticut?—A. I could not tell you that—not now; I might be able to look it up.

Q. You went to Connecticut about the 19th of March, was it not?—A. I could not recollect.

Q. You have testified to it here the other day when you were on the stand.—A. I have been several times to Connecticut. The testimony that I gave here on the stand as being March 19 should have been February 19. I left here on the 12th of February.

Q. I am referring now—you know we adjourned at one time for several days and you went to Connecticut at that time. And while

you were gone it was that Mr. Webster caused to be printed that Butler correspondence and Creecy.—A. I think that was about the time.

Q. That was about March 19 that you went to Connecticut?—A. I can not give you the date.

Q. You testified to it the other day, and the record will show that it was on that trip.—A. The other day I testified where I say about the 13th to the 19th. I think it is in the record in March. It should have been in February. The time I left here was the 12th of February and I returned here on the 19th.

Q. You said in your testimony it was the 13th.—A. It was the 12th. I have a telegram stating that I was registered at Murray Hill on the 12th. I wanted to place that date, because it was about that time that this anonymous-letter controversy came up [handing telegram to the committee].

Q. We do not need that, Mr. Lilley. You said it was the 12th. You also testified, Mr. Lilley, as to the time that you were at home, that while you were away Mr. Webster had published the matters he obtained in the court?—A. Yes, sir.

Q. In reference to Mr. Butler. You told us then you found it by looking up when you went to Connecticut, I think. Have you anything from which you can tell what day you left here?—A. I can not tell, perhaps the chairman can.

The CHAIRMAN. The meeting held on Thursday, March 19, 1908, adjourned to meet on Thursday, March 26, 1908, and before that time notice was given that the committee would assemble on the following Tuesday. At that time the committee was in recess from Thursday, March 19, until Tuesday, March 31.

Q. My recollection is that you told us you were going to Connecticut the very day we adjourned, or the next day?—A. Yes; and my impression is that I came back the following Monday or Tuesday.

Q. Now, it was on that trip that you received the telegram on your way back?—A. The way back.

Q. That was from Mr. Webster?—A. Yes, sir.

Q. Which said four members of the House had left for Connecticut, was it not?

The CHAIRMAN. Said that four Members of the House had left for Connecticut, at least the account says, "to try and put a stop to this investigation," or something like that.

Q. Now, to whom did you show that telegram?—A. I do not recall having shown it to anyone.

Q. To whom did you speak concerning the subject-matter?—A. I do not recall speaking to anyone except Mr. Boutell.

The CHAIRMAN. Now, inasmuch as Mr. Olmsted left on the 24th or the 23d for Harrisburg, and on the 24th I left for Springfield to be present at the State convention of the State of Illinois, we would like to know what basis Mr. Webster had for sending the telegram, which seems to correspond with the kind of newspaper propaganda that seems to have been carried from that office in reference to this committee and its actions.

A. It is something that I know absolutely nothing about.

The CHAIRMAN. Had you talked with Mr. Webster about it after you got back—about this telegram?

A. I may have; I do not remember; I can not tell you.

TESTIMONY OF BENJAMIN WEBSTER—Recalled.

By Mr. OLMSTED:

Q. We will ask Mr. Webster, then. Mr. Webster, do you remember sending such a telegram?—A. Yes.

Q. What did you say, if you remember?—A. I do not remember the words. I understand that the four gentlemen mentioned—I do not remember their names now—and one other, had left, or were leaving on the 4 o'clock train, for New London.

Q. How did you understand that?—A. Mr. Wallmo here and Mr. Spencer were looking it up, and Mr. Wallmo tells me he heard it on the floor of the House.

By the CHAIRMAN:

Q. Who are Mr. Wallmo and Mr. Spencer?—A. Mr. Wallmo and Mr. Spencer, I understand, of that paper.

Q. You gave him this information, then, for this publication?—A. Mr. Wallmo gave it to me, as I remember it. He telephoned me and asked me about it.

Q. Is that as true as the other statements that have been published by this Connecticut syndicate of this committee?—A. I have no information on that matter at all. Mr. Chairman, I would like to suggest that you could get the original in the corridor there at the telegraph station, probably.

The CHAIRMAN. It is rather immaterial. The source of the general scope and the accuracy of the information is what the committee is after.

TESTIMONY OF REPRESENTATIVE GEORGE L. LILLEY.

GEORGE L. LILLEY, recalled.

By Mr. OLMSTED:

Q. Mr. Lilley, you have mentioned writing one letter to a gentleman connected with the Waterbury Republican or American——A. Republican.

Q. What connection, if any, have you with that paper?—A. None.

Q. Any stock in it?—A. None.

Q. No ownership in it?—A. No, sir.

Q. Is it in any way indebted to you?—A. No, sir.

Q. That is, is the proprietor of it in any way indebted to you?—A. It is a stock company.

Q. Is the stock company indebted to you?—A. No, sir.

Q. Do you hold any bond of the stock company?—A. I do not.

Q. Or hold any notes of the stock company?—A. I do not. There are some bonds owned in my family.

Q. How many?—A. Twenty-five thousand, I think.

Q. Of the Waterbury Republican, your immediate family?—A. Yes.

Q. Your son?—A. And mother.

Q. Do you know who writes the Washington articles for that paper?—A. I do not. Associated Press, I think.

Q. Do you know who is the editor of it?—A. Mr. Lathrope.

Q. Is he the gentleman to whom you wrote the letter?—A. Yes, sir.

Q. The course of that paper generally meets with your approval?—A. Not always.

Q. In what particular does it not for the last sixty days.—A. There are a good many things that have appeared in the last sixty days that did not meet with my approval.

Q. What is the entire bonded indebtedness of the stock company of that paper, if you know?—A. Twenty-five thousand in bonds and thirty thousand in stock.

Q. You own the bonds?—A. They are owned in my family.

Q. Is any stock owned in your family?—A. No, sir.

Q. Is the stock worth anything?—A. Yes, sir.

Q. What is the stock worth?—A. Do you want to buy? I have none to sell; I do not know; I do not think there is any for sale. It is owned by the most prominent Republicans in Connecticut.

Q. That would not leave you out, that description.—A. Some of the most.

Q. Mr. Lilley, you have handed to this committee an affidavit made by Charles M. Robertson. Do you know Charles M. Robertson?—A. I do not.

Q. Do you know where he lives?—A. New Haven, I understand.

Q. Do you know why one end of his affidavit is dated in New Haven and the other in Bridgeport?—A. I do not; I did not know it was so dated.

Q. Do you know Henry Catlin?—A. I do not.

Q. Do you know where he lives?—A. I knew where his people lived, but I have forgotten; somewhere in Maryland.

Q. I merely called attention to the fact as the affidavit is made in New Haven and dated in Bridgeport. Where did you get that affidavit?—A. Where I got it?

Q. Yes.—A. It was mailed to me.

Q. From where?—A. New Haven or Bridgeport; Bridgeport, I think.

Q. By whom?—A. By Mr. Foster.

Q. Mr. Carl Foster?—A. Yes, sir.

Q. Any letter with it?—A. Yes; a line, I think, saying that he inclosed it.

Q. Did he say what should be done with it?—A. No, sir.

Q. Did he say why Mr. Robinson could not be introduced as a witness?—A. I assume that he can be produced.

Q. He did not say where he lived?—A. New Haven.

Q. I infer from this that in 1900, eight years ago, Mr. Robinson met Mr. Catlan, whom he described as a gentleman with most pleasing and charming manners and as a most plausible talker, but he did not say where Mr. Catlan lived.—A. He lived at Washington the time Mr. Robinson knew him.

Q. I would like to meet that gentleman if I knew where to find him. Mr. Lilley, do you know a man by the name of S. A. Jenkins?—A. I do not recall the name at present.

Q. Do not remember ever having heard of him? I have no reason to think that you have; I am only asking because I am trying to find out who he is.—A. I do not recall such a man.

Q. Mr. Lilley, did you know Mr. Whitney—F. B. Whitney?—A. No, sir.

Q. Do you know him at all?—A. I do not know of any such man unless it is the Whitney that has been summoned here, and I do not know as I know him. I was introduced to him once in passing; had no conversation then with him.

Q. When was that?—A. Why, it was in the lobby of the New Willard; I could not tell you was it two or three months ago.

Q. Who introduced him to you?—A. I do not remember.

Q. I wish you would try to recollect, if possible.—A. Well, I can not state with any degree of certainty.

Q. As near as you can.—A. It may have been Mr. Neff.

Q. It most likely was Mr. Neff, was it not?—A. I should think it would be as likely to have been him as anyone; there was a crowd there.

Q. Do you remember what conversation occurred?—A. There was no conversation between Mr. Whitney and me.

Q. It was a mere introduction?—A. It was a mere introduction.

Q. Have you had any communication, received any letters, from him or messages, or directed any to Mr. Whitney?—A. I have not.

Q. Or have you received any from him in any way?—A. I have not.

Q. Through your secretary or others?—A. I have not.

Q. Are you still of the opinion, Mr. Lilley, that submarines are not of much account?—A. I do not think they are a valuable article. I think they are in an experimental stage.

Q. But you voted on the 10th of February for $3,500,000 appropriation for them?—A. No; I think not. I voted for an amendment, feeling that the amendment was better than the motion, but I voted against the motion.

Q. Now, Mr. Lilley, I want to get this straight. On the minutes of that meeting, beginning at page 423 of the printed copy of our hearings, it states that Mr. Mudd offered the following substitute for the resolution offered by Mr. Loudenslager:

For submarine torpedo boats, to be contracted for after such competitive test as the Secretary of the Navy may prescribe, $3,500,000, of which the sum of $1,000,000 is hereby appropriated.

The vote on the substitute by Mr. Mudd was recorded as follows:

In the affirmative Messrs. Foss, Mudd, Lilley, Ellis, Padgett, Hobson.

You voted for that proposition?—A. I voted for that amendment; yes, sir.

Q. If that had been adopted that would have been in the naval appropriation bill?—A. It would have been, instead of the one that went in.

Q. You were opposed to the Loudenslager amendment, which has in it the proviso "unless on or before October 1, 1908, a submarine torpedo boat of a different type," etc.; you voted against that?—A. Yes, sir.

Q. But you did vote for an appropriation of three million and a half, subject to such tests as the Secretary of the Navy might prescribe?—A. I voted for it as an amendment.

Q. If that had carried that would have been a provision in the naval bill?—A. I would have voted against that if it had been the original motion.

Q. It was offered as a substitute for another motion?—A. It was better than the other motion, but I would have voted against it if it had been an original motion.

Q. I think you did vote for three million the year before?—A. Yes, sir.

Q. Did you offer any amendment in the Naval Committee reducing the amount of the appropriation?—A. I did not offer any amendment at all. I will add there, for the reason that I knew it would be of no avail.

Q. We sometimes vote our principles and belief whether they prevail or not. Mr. Lilley, how did you come to ask us to subpœna Frank L. Edinborough, of Bay City, Mich.?—A. After an interview with a young man who is a correspondent of some Michigan paper.

Q. Who was he?—A. He was here early in the session; he has not been here lately.

Q. Do you know his name?—A. I think it is Cameron, but I am not sure.

Q. What newspaper?—A. I do not know.

Q. What did he tell you?—A. He came into my room once for some news and sat down on a chair by my desk, and I think he had some clippings from some papers there showing an interview with Gordon and an interview with Loud, or else it was an interview with Loud and Edinborough, and I asked him some questions about who was running, or who had run out there as a candidate a few years ago, or had been mentioned, and he told me Judge Gordon, but he could not give me his initials, and then he told me about Edinborough being a candidate at the present time, and I asked him where he lived and what his initials were. He could not give me Gordon's initials at that time, but brought them in afterwards and gave them to Mr. Webster.

Q. The paper to which you referred, was that the Detroit News?—A. I would not attempt to say what paper it was.

Q. You handed in a copy to the committee here when you gave your testimony, I think, the first day?—A. There was a discrepancy between Mr. Loud and Mr. Edinborough, I think, in the interview published.

Q. It appears here on page 30 of the hearings; you handed us certain newspaper articles, the first one of which is the Detroit News, Detroit, Mich., Friday, February 21, 1908, containing a Washington dispatch bearing the same date, in which that refers to Mr. Loud and Mr. Edinborough. Is that the paper to which you refer?—A. I think very likely it is.

Q. There seems to have been another one from the same paper immediately following it, February 22, 1908. Was it the correspondent of that paper that you got this information from, asking us to subpœna Mr. Edinborough?—A. From this young man.

Q. From that young man, who you think represented the newspaper?—A. I think so.

Q. Whose name you think?—A. Was Cameron, I think.

Q. Had you ever seen him before?—A. I do not recall that I have.

Q. Then you asked us to subpœna a witness on the statement of a strange young man whose name you do not remember and whom you had never seen before?—A. Well, I knew there had been a man out there in the employ of the Electric Boat Company, but I did not know his name.

Q. Edinborough had never been employed by the Electric Boat Company?—A. Gordon had.

Q. I am talking about Edinborough.—A. I did not know his name or know of him.

Q. Did you know at that time that this anonymous communication had been sent to Mr. Edinborough on the 15th of February?—A. No, sir.

Q. When did you first know about it?—A. When Mr. Edinborough passed it up to the committee.

Q. Had you had any correspondence with Mr. Edinborough before he reached Washington?—A. No, sir.

Q. Do you know how it happened that he went direct to see you at your hotel when he arrived there?—A. He did not go direct.

Q. I think he said that is the first place he went and you were the first person he saw.—A. He called me up from the Metropolitan Hotel and wanted to know, "Is this Mr. Lilley?" and if I wanted to see him.

Q. Had you ever seen him before?—A. No, sir.

Q. Did you tell him you did want to see him?—A. I told him if he wanted to come up to see me I would see him.

Q. Did he tell you why he wished to report to you?—A. He did not.

Q. Mr. Lilley, why did you not introduce the resolution before the naval committee?—A. I had never fully decided to introduce the resolution until the actions of the committee on the day the appropriations were made. That was the culmination of a last straw, if you please to put it that way, and even then I hesitated some days.

Q. If they had voted for what you call open competition, I believe you already stated, you would not have felt it necessary to introduce the resolution.—A. Well, I had not decided to introduce it.

Q. I did ask you if you had any communication from Mr. Edinborough. Now I want to ask you whether you or anyone else, so far as you know, have written any letter to Mr. Edinborough?—A. Yes; I think my secretary wrote him a letter.

Q. When?—A. I can not say just when; some time in March.

Q. Soon after his appearance here?—A. Oh, before; some time before.

Q. Whose name was signed to it?—A. I do not know.

Q. Why do you think he wrote?—A. Because I learned afterwards that he had written.

Q. Have you that letter?—A. No, sir.

Q. Who has?—A. I do not think it is in existence. I do not know who has got it if it is.

Q. Did a reply come to that letter?—A. Not so far as I know.

Q. Your name was signed to that letter, was it not?—A. No, sir.

Q. Whose name was?—A. My impression is that some Smith; I do not know the initials.

Q. Does your secretary sign just anybody's name he chooses?—A. I think he did in this instance.

Q. Signed the name of Smith?—A. I think he did.

Q. Where was the reply to be sent?—A. I think at his house, where he lived.

Q. Did you see or know anything of the letter before it was mailed?—A. No, sir.

Q. Have any conversation with Mr. Webster about it?—A. No, sir.

Q. What was the substance of the letter?—A. It asked if he could state who was talked of in that district two years ago as a candidate

for Congress, and whether it was the same man employed by the Electric Boat Company.

Q. Why do you suppose he signed the very unusual name of Smith?—A. I do not know.

Q. Why do you suppose Mr. Webster wanted to find out who ran for Congress in Maine?—A. Mr. Webster was familiar with the circumstance.

Q. He did not want it for the Waterbury Republican, did he?—A. No; I think not.

Q. Have you any letters or do you know of any letters in existence now written by Mr. Edinborough?—A. I do not.

The CHAIRMAN. Mr. Webster, will you take the stand a minute and tell us about Mr. Smith?

BENJAMIN WEBSTER—Recalled.

The CHAIRMAN. It is not an apparently humorous matter either, I may state, Mr. Webster.

By Mr. OLMSTED:

Q. Mr. Webster, have you ever written any letters to Mr. Frank L. Edinborough, Bay City, Mich.?—A. Yes, sir.

Q. When?—A. I think it was about March 5 or 6.

Q. Of this year?—A. Of this year.

Q. What did you say in that letter?—A. I asked Mr. Edinborough, I do not remember the exact wording, but what I wanted to ascertain was if a candidate had been brought out against Mr. Loud two years ago, and who it was if there was such a candidate.

Q. Now, who suggested to you the writing of such a letter?—A. I heard this discussion between Mr. Lilley and the newspaper man, Detroit newspaper man, and Mr. Lilley said that he did not care to write for the information, so I originated this scheme of getting the information, to which I never received a reply.

Q. Did you tell Mr. Lilley that you had originated the scheme?—A. I told him the other evening the fact that I had written.

Q. How long ago did you tell him?—A. I think it was Sunday night I told him.

Q. Last Sunday night?—A. Last Sunday night.

Q. You showed him a copy of the letter?—A. I kept no copy of the letter; I wrote it at home in the evening on a piece of note paper.

Q. I think Mr. Lilley just said that he had seen the letter; I may be mistaken.

Mr. OLMSTED. Did you not, Mr. Lilley?

Mr. LILLEY. I had seen the letter; yes.

Q. When did you show it to Mr. Lilley?—A. I never showed it to Mr. Lilley.

Q. What name did you sign to it?—A. Mr. Smith, I think.

Q. What one of that family?—A. I have forgotten whether it was Charles or John; Charles Smith or John Smith.

Q. What was your curiosity to know who was running for Congress out in Michigan two years ago?—A. I had heard the conversation in regard to the matter, and Mr. Lilley thought it would be improper for him to write.

Q. Who suggested anything about him writing?—A. Mr. Lilley and this newspaper man had a discussion as to who was the candidate.

Q. Did Mr. Lilley tell the newspaper man or tell you it would be improper for him to write?—A. I think he remarked to the newspaper man, and the newspaper man was going to find out, and he came in and he gave us the names of Mr. Gordon and Edinborough and their addresses. I think it was the following day he came in and gave Mr. Edinborough's and Gordon's addresses.

Q. What was your interest in the contest out in Michigan two years ago?—A. I gathered from the conversation that the Electric Boat Company had brought out a candidate, and I wished to ascertain. That was my question in that letter to Mr. Edinborough.

Q. In what way did that affect you?—A. I do not know that it would affect me in any way.

Q. Did you give Mr. Lilley to understand that you would write?—A. I think the first time I told him about it was this Sunday evening.

Q. Last Sunday evening?—A. Last Sunday evening. I never had received a reply.

Q. Now, to whom else have you written, either in your own name or the name of Smith, or any other name, concerning any matter which may possibly concern this investigation?—A. I testified on Friday, I believe, I had written several letters to Waterbury city editor and American last fall. Only one since February 20, I believe.

Q. How many letters have you written to which you signed Mr. Lilley's name?—A. Average about twenty—twenty-five a day, perhaps.

Q. I mean relative to this investigation?—A. There might be twelve or fifteen.

Q. Did you sign Mr. Lilley's name, or did he sign his own name?—A. To letters that I had written?

Q. Yes.—A. That I wrote myself I signed.

Q. Did you write any of a similar character to the one sent to Mr. Goff?—A. I recall nothing except that one.

Q. Similar sentiments in reference to this committee?—A. No, sir; I do not recall anything of that nature.

Q. Or similar nature?—A. No, sir.

Q. Commenting upon the committee in any way?—A. Undoubtedly everyone had some sort of a comment.

Q. Any of them written to newspaper people?—A. The only letter that I have ever written to the newspaper men was this one letter to the city editor, which I wrote in reference to Mr. Early's appointment to a clerkship and expenditures in the Treasury Department.

Q. Did you not write one a little later?—A. I do not remember whether he gave that to me or to the stenographer; I could not say.

Q. Where did you get the idea that you embodied in that letter to Mr. Goff to which you signed Mr. Lilley's name?—A. I got that idea from the gentleman who had been here to the hearings of the committee, and had come into the room, and also newspaper critics.

Q. What gentlemen?—A. I have some newspaper clippings here in my pocket that came in about that time. If the committee care to look at them; they are criticising the committee. There is one here that I had no authority for that, perhaps the committee would like to see them before I read them. [Newspaper clippings handed to the committee.]

Q. From what person coming into the room?—A. At that time Mr. Matthew O'Brien, a representative of the prohibition movement here, was apparently feeling that he had not been treated on the square by Congress. He had been to the hearings and he did not have a favorable impression of the method of conducting the hearing. He gave me most of my pointers on the hearings. As to the word "whitewash," I had seen that in the newspapers a good many times.

Q. Do you mean to say you embodied the subject-matter of newspaper clippings and desultory conversations in letters to which you signed Mr. Lilley's name?—A. The letters to which the replies would come would be letters stating the opinion was that the committee intended to whitewash the whole matter. I think I got that letter from the newspaper clippings.

Q. Did you in that letter to Mr. Goff state that the committee would whitewash the whole matter?—A. I could not state that was not it; I do not remember that particular letter.

Q. It was from all those newspapers from which you gathered that, in which Mr. Lilley was reported to have so said to the New York World. You heard it read a little while ago—the newspaper clipping.—A. That is the first time I have ever seen that clipping or heard of it.

By Mr. STEVENS:

Q. Were you present when the Detroit newspaper man came into the office and talked with Mr. Lilley?—A. Yes, sir.

Q. Was anybody else there?—A. I think not; I think he came in one afternoon, about 1 o'clock of the afternoon of March 4, if I can place the date according to the letter.

Q. It was before this committee was appointed?—A. I do not have in mind the date on which the committee was announced. I think it was on March 4 he came in.

Q. How do you place that date?—A. The committee simply commented upon my lack of memory, and Mr. Brown suggested I should think over everything pretty carefully before testifying again and be prepared to give as many dates. I remember that letter I wrote; it was about March 5 or 6, and it was a day or two before.

Q. What memorandum have you to show the date on which you wrote that letter?—A. I just took this by comparing the records and the hearings and different things that I placed these dates, and I place it on a Tuesday or Wednesday night, as I remember.

Q. About March 4?—A. March 5, I think, or 6.

Q. This committee was named by the Speaker on March 6, so that this letter was written before the day—before the appointment of the committee?—A. Yes, sir.

Q. And the call of the Detroit newspaper man was the day before that?—A. That is my impression; I could not place the day he came in, with any accuracy.

Q. Did you keep any copy of that letter?—A. I went home, and I just took a piece of note paper and wrote it with a pen and ink. I kept no copy and mailed it in the evening about 9 o'clock.

Q. Will you state, if you can recall, exactly the contents of that letter?—A. I believe I had learned that he was Senator Frank Edinborough, of Bay City, Mich. I said, "My Dear Senator." I believe it contained the information also that he was a candidate against Mr.

Loud, and asked him if he could give this information in reference to any candidate being brought out—or rather that Mr. Edinborough had been Mr. Loud's secretary and wanted to know whether he could give any information as to who was brought out as a candidate for nomination two years ago, and if so, he would send on the name and the address of the man. I have forgotten whether I suggested Mr. Gordon's name or not; I may have suggested that in the letter, having heard it that afternoon, and may not. I could not state if Mr. Gordon's name was included in the letter or not.

Q. What statement did you make in the letter why you wrote the letter?—A. I do not know as I gave any reason at all; just asked for the information.

Q. Did you not indicate in any way to Senator Edinborough why you addressed him?—A. No, sir.

Q. What address for the reply did you give?—A. 334 Indiana avenue.

Q. Is that where you live?—A. Yes, sir.

Q. Did you inclose a stamp for reply?—A. I do not recall that; I generally do. That is my custom, but I would not be positive whether one was in or not.

Q. And you received no reply?—A. No reply.

Q. What paper was it that that reporter said he represented here when he called on Mr. Lilley?—A. A Detroit paper, I do not remember what the name was; he probably mentioned it. I could identify the young man if I saw him again. I have seen him around several times.

Q. Did he state the name of the paper at that time?—A. I could not say definitely any more than Detroit. I know that he was a Detroit correspondent. I could not give the rest of the title.

Q. You heard the conversation?—A. Yes, sir—that is, I heard parts of it. I was typewriting.

Q. Now, what did he tell Mr. Lilley at that time; just give the words as said, if you can remember them.—A. If I remember it rightly Mr. Lilley asked him what he knew about political conditions out there, and he said he believed that there was a general rumor that a candidate had been brought out against Mr. Loud, and I think he mentioned the fact that it was Mr. Gordon, but I am not positive on that point whether he did mention it or not. He was going to look it up, and came in either the day after or two days after and gave me these two names. He gave me the addresses; I do not remember whether he gave me the names or not. My impression is it was after I received the names that I wrote him the letter that evening, after I got the address of Mr. Edinborough.

Q. Did he indicate that Mr. Edinborough had had any previous connection with Mr. Loud?—A. I believe that came out in the conversation—that he had been Mr. Loud's secretary.

Q. Did this reporter come in to get any news?—A. Yes; I believe he was around looking for news. I believe that is what he said when he came in. I do not remember what his manner was, simply came in and sat down; others come in and ask questions.

Q. Did he ask Mr. Lilley or you concerning any news about this submarine matter?—A. I have not any recollection on that point. It is very possible that he did, but I have no recollection. As I have said.

I was busy at the machine when he first came in and I finished a letter or something the latter part of the conversation.

Q. Do you recall whether Mr. Lilley gave him any news about this submarine matter?—A. I think all the conversation I remember was, in reference to Mr. Loud, whether or not a candidate had been brought out and whether he knew about it, and he volunteered to look up the matter. My impression is that he did.

Q. Did Mr. Lilley ask him to look up the matter?—A. Mr. Lilley asked him what he knew, as I remember it, and he gave him what he knew.

Q. What did he have?—A. There was a general rumor that Mr. Gordon had been brought out as a candidate for nomination against Mr. Loud, and he was going to look it up and see whether he could make certain of it.

Q. Mr. Lilley asked him to look that up and be certain of it?—A. The understanding was he was going to bring in those addresses of those two men. That is all I remember definitely, and I had the general impression he was going to look up the matter.

Q. Did Mr. Lilley tell this reporter what he knew personally about the matter?—A. I have no recollection about that.

Q. Did this reporter inform you or Mr. Lilley that he knew anything about the matter himself?—A. Just what I have said; it was a rumor.

Q. Just a rumor was all that he had?—A. It was his impression, as I remember.

Q. Did he state that he knew or that there was a rumor that this man Gordon had influenced Mr. Loud?—A. I do not remember any such statement.

Q. No such conversation?—A. I do not remember anything but the fact that he said it was understood that a candidate had been brought out against Mr. Loud for nomination. I believe he said he thought Mr. Gordon was, and he was going to look it up.

Q. He was the one who first gave the Detroit newspaper clippings?—A. I believe so; I am not positive; I do not remember when those clippings came into the office. Some one left them on the desk, I believe, and left some Detroit papers at the same time he brought in the addresses.

Q. Did you clip the items out of those papers referring to this submarine matter?—A. I could not say definitely whether I cut those particular items out or not. I probably did.

Q. You do not know whether he furnished them to you as clippings or whether he brought the newspaper to you and you clipped them?—A. Yes, sir; the newspaper is what my impression is.

Q. And you clipped them?—A. If I did clip them.

Q. Do you know whether he claimed to have written these clippings from these newspapers that he brought to you?—A. No, sir.

Q. Did he vouch for the facts contained in any of these articles that he brought to you?—A. He did not to me; I never heard any such statement from him.

Q. He just brought them in, laid them down, and you did the rest?—A. I believe so; I am not positive that he brought them in.

Q. Did you see Mr. Edinborough when he was here?—A. On the stand; that is the first time I saw Mr. Edinborough.

Q. Did you not meet him the night before?—A. No, sir.

Q. You heard him testify that he called up Mr. Lilley the night before?—A. I answered the telephone; I was in the room.

Q. Did you not see him that night?—A. No, sir; that was half past 9; was just going home when he called.

Q. Did he meet Mr. Lilley that night?—A. I do not know.

Q. You did not meet him to talk to him to ask about that letter?—A. No, sir.

By Mr. HOWARD:

Q. Mr. Webster, referring to this letter to Mr. G. W. Goff on March 30, did you ever receive an acknowledgment of it?—A. Not to my recollection; I do not have any such recollection of such a letter.

Q. It was written to a stranger?—A. That was in reference to a letter that came in.

Q. Then I understand in addition to that that it was written to a stranger?—A. I did not know at the time whether he was a stranger or not.

Q. Would it not follow if you do not know whether he was or not. As a matter of fact, to whom would the man write the letter?—A. To Mr. Lilley.

Q. Was the substitution as absolute as that?—A. I did not catch the drift of that question.

Q. Then it would be a waste of time to propound it again. Did you ever get any reply, any acknowledgment of this or any other letter from this same person, Mr. George W. Goff, that referred in any way to this answer?—A. Not that I saw. This I know was a letter that came in. I have seen most of the letters, but I have never seen any letter to Mr. Goff since that letter was written.

Q. Have you ever written him another letter since this one?—A. No, sir.

Q. Have you written any letters concerning him, making any inquiries about him, to anybody?—A. No, sir.

Q. You did nothing to undertake to recover this letter from Goff?—A. No, sir.

Q. You made no effort to get it back into your possession?—A. No, sir.

Q. You were perfectly satisfied that it should stand out, or be out?—A. You mean in public?

Q. Yes.—A. That letter was marked personal; it was typewritten personal; we had no intention of publication at all.

Q. You say you got the substance of this letter from newspaper clippings and from a man who was here looking after the interests of prohibition, who spent some of his time in this committee room and gave you his impression of it; do I understand you to say that?—A. I think he was the one that expressed to me the opinion of whitewash. I do not remember he used the word whitewash, but he thought the hearings were a farce; that is the way he expressed it to me.

Q. Do you remember about what his language was?—A. No; I could not state his language.

Q. Do you remember exactly what his language was, what word was used in describing it?—A. He made the remark. I asked him who made the statement that the committee was a joke, or some-

thing of that kind. He said he had made it in substance; he certainly made the statement in substance.

Q. That the committee was a joke?—A. Yes, sir.

Q. Do you remember what it was he said, whether it was whitewash or joke or precisely what word he used to convey his impression?—A. No, sir; I can not state just what paragraph in there could be attributed to any conversation I had with him. They were from newspaper clippings, and my impression is that it was about that time he was coming into the room; he usually came in every day and made comments.

Q. Did he come to your office or room after leaving here to make any statement to you about any impression he had derived that day?—A. I think copies of the hearings were down there in the door near by. He used to come in and leave his overcoat. He was from Connecticut, and when he first came here I told him he might leave his coat and hat if he wished.

Q. I understand he came into the committee to attend these hearings?—A. When his committee in which he was personally interested was not in session I believe he did come up here.

Q. Do you know how many times he attended here?—A. I do not. I am sure it was a half a dozen, possibly more.

Q. Did he happen to be here when you were examined?—A. Friday; no, sir. I do not remember his being in the room, not to my knowledge.

Q. Do you remember whether he made any comments to you about the impression you made on him as a witness?—A. He was not here to the best of my knowledge.

Q. Do you know what witnesses he had the pleasure of hearing?—A. No, sir; I do not.

Q. Did he ever mention any witnesses that he heard?—A. I have no recollection of the name now.

Q. Did he relate any incident with any witnesses; did he hear Edinborough?—A. I do not know whether he did or not.

Q. Did he hear Skerrett's examination?—A. I do not know.

Q. To what witnesses did he express his impressions that the thing was a joke?—A. I could not state that.

Q. Had not you attended more committee meetings than he had?—A. I don't think I had.

Q. Had you attended as many as he had?—A. He was in here a great deal more than I was.

Q. A half a dozen times?—A. I do not think I have heard more than three times before I was called.

Q. Did he ever go any more extensively into characterizing what he thought the committee's actions were, just as you say, that it was a joke?—A. Just generally, words of criticism.

Q. "They refuse me the privilege of counsel to cross-examine, do not allow me to ask questions except by submitting them in writing, and even then they may throw out those which they deem improper, which means throwing out all important questions." Did he give you that impression?—A. I could not say whether he did or not; whether he made any such statement.

Q. Don't you know that he did not—don't you know you did not get that statement from anything he said?—A. No; I do not know anything of the kind.

Q. Then what did he say out of which you could possibly have entertained that impression?—A. I have said I do not remember his words at all.

Q. You wrote that?—A. Yes, sir.

Q. Fresh from the impression made on you by what he said?—A. Why, the first part of the letter, I believe, was owing to his condemnation.

Q. That is, the whitewashing end?—A. Yes, sir.

Q. That is easily remembered, but you can not remember it. You can not remember whether he said whitewash, or joke, or what he said.—A. No. I have these other newspaper clippings, and I can not differentiate where I got that impression.

Q. Can you remember that he made use of language that led you to put in that statement that I have read?—A. That statement in reference to cross-examination by an attorney?

Q. Yes.—A. No, sir. I probably heard that discussed before.

Q. Don't you know you did?—A. I have no definite recollection.

Q. Haven't you heard that discussed ever since the first meeting of this committee? Was not that the first thing this committee took up?—A. I believe so.

Q. Did you not know it from then up to the time that you saw this man who is attending these meetings casually?—A. Yes, sir.

Q. You do know that?—A. I know that I knew the fact that the committee had refused counsel to examine witnesses from the second day after, probably.

Q. Oh, that is the substance of that statement in this letter?—A. Yes, sir.

Q. And you knew that before you ever saw that prohibition?—A. No, sir.

Q. Before you ever saw him as an attendant upon these meetings?—A. I could not say.

Q. Before he ever came into your office or expressed any opinion at all?—A. I can not state.

Q. Why?—A. Because he was here all the time. He has been here ever since last December, and he has been in the room sometimes three or four times a week and sometimes daily and I could not state.

Q. Who?—A. This Mr. O'Brien.

Q. In this room?—A. I was referring to our office.

Q. You said that he had been in this room, so far as you know, only about half a dozen times.—A. No, sir; I do not recollect having made that statement.

Q. You did not state in answer to my question that this man O'Brien had not attended upon the hearings of this committee about half a dozen times?—A. That was my impression.

Q. Now, then, do you know whether he attended the first meeting of this committee or not?—A. I do not.

Q. Do you know whether he attended the second meeting of this committee?—A. I do not.

Q. Do you undertake to swear that you got this statement about the right of cross-examination I have read from O'Brien?—A. I believe I have expressed my impression that it did not come from him.

Q. Let us get the next one. "I believe, however, that the press of the country is already fully convinced." You did not get that from O'Brien?—A. There are some clippings there; one headed "Lilley's

Crime" and clippings of that nature, and I got the impression that the press was awake on the subject.

Q. So that you got from O'Brien what remained in the letter?—A. No; I do not state that at all. That letter was undoubtedly the result of the combined impressions I had received since the start.

Q. Your analysis of so many things resulted in the combination. The first statement there, "I have your favor, etc.," you did not get that from the committee.—A. I got that from the letter.

Q. "The select committee to investigate have already demonstrated their intention to apply the whitewash wherever they can. Therefore it is safe to assume that very little will be brought out." Is that a statement that you got from O'Brien?—A. That statement is undoubtedly my own.

Q. I mean the impression that you undertook to put into that language.—A. Either from him or other Connecticut men who came in and discussed the question.

Q. Now, you wrote a letter to Edinborough and signed it "Smith"?—A. I did.

Q. That was not your name?—A. No, sir.

Q. And you did that for the purpose of concealing your identity?—A. You may say that; yes.

Q. What?—A. Yes, naturally.

Q. In making an inquiry about the affairs in the district of Representative Loud, that was part of the charges that this committee had under investigation. That is true?—A. Yes, sir.

Q. You had no hesitation in doing that?—A. I believe I have stated that the committee had not yet been appointed.

Q. You anticipated it would be?—A. Yes, sir.

Q. You had no use for it unless there was going to be one?—A. No, sir.

Q. You would not have cut your corn and stacked it up unless there had been somebody there to grind it?—A. Yes, that is true.

Q. So that there was an active suspicion of what you considered probably would be, and you had no hesitation in doing it?—A. Well ——

Q. You did not hesitate?—A. I did, probably.

Q. But you did it; you solved whatever doubt you had?—A. Yes, sir.

Q. In favor of that act?—A. Yes, sir.

Q. Then did you not write the anonymous letter to Edinborough?—A. No, sir.

Q. And to Mr. Carmichael?—A. No, sir.

Q. What distinction is there in the moral quality of the act between writing a communication, one of them with an assumed name and the other without any name?—A. It had my address on it.

Q. Your address?—A. Yes; my residence.

Q. That was a number in the city?—A. 334 Indiana avenue.

Q. If somebody had come to that same number and inquired for Smith, and had a club in his hand, would you have answered?—A. That would depend upon who the person was.

Q. One who appeared to intend to use his club?—A. It would depend upon what weapons I had.

Q. What kind of a weapon would you have to make you bold enough to have met him and have said you were Smith; what would have been your choice of weapons?—A. I have no opinion to offer upon that kind of a proposition.

Q. You have no information to afford upon that proposition?—A. No, sir.

Q. Have you any answer to make, then, to any difference, if you concede there is a difference, between writing an anonymous letter—you know to what I allude?—A. Yes, sir.

Q. The Carmichael letter, or the letter that you signed under an assumed name?—A. I have no opinion to offer upon that proposition.

Q. Would you have done the one as soon as the other?—A. Why, undoubtedly I would.

Q. Were not both written for the same general purpose?—A. Well, what is your idea of the purpose?

Q. Meddling in somebody's business that you were not concerned in, and assuming a name in order to do it.—A. I understood this investigation was to be a public service, so that I did not see that it was matter that I had no concern in.

Q. You considered that that was the way to render a public service, to enter into an arrangement by which Representative Loud was to be defeated? I ask you if you consider that that was an act toward accomplishing a worthy public service?—A. My own idea of the matter was that the Electric Boat Company, if a candidate had been brought out, and Mr. Gordon was the candidate, and Mr. Gordon was in the employ of the Electric Boat Company, that the answer to that would show definitely who the Electric Boat Company had employed out there.

Q. And you considered it would be a worthy service?—A. Yes, sir.

Q. To engage in the matter of bringing about Mr. Loud's defeat?—A. I had no thought of Loud's defeat.

Q. You merely wanted to prove a fact?—A. I simply wanted to get the fact as to whether a man had been opposed to him.

Q. You did not care whether the public service was purified by the defeat of the man that you supposed was Mr. Loud—that was not your concern. It was to bring about the conviction of the person accused by this resolution, wasn't it?—A. My purpose was to locate this man whom the Electric Boat Company had put up against Loud.

Q. For the purpose of using the information thereby gained in this investigation; that was your purpose?—A. Yes, sir.

Q. Your friend, Mr. Lilley, desired that it should be done, but preferred that you should do it under this assumed name in order to protect himself; is that true?—A. That is not true.

Q. Then what did Mr. Lilley say to you about writing the letter?—A. He said absolutely nothing to me about it.

Q. You told him a week ago that you had done it?—A. Yes—no, sir; I believe he mentioned it specially to me after he had seen the letter; he asked me if I had written a letter, and I said that I had written a letter.

Q. What did he say?—A. I don't remember what he said.

Q. He said nothing that you can remember? If he would have procured you to write that letter under those circumstances, would he not have procured you to write the Edinborough letter that has no name at all signed to it?—A. I have no opinion to offer upon that.

Q. Are not you in a position to give the very best opinion about it? You had a right to sign his name; you had authority to use your ingenuity, your sense, in any way that would benefit his interests, hadn't you?—A. Yes, sir.

Q. You were writing letters in a way to that extent?—A. Yes, sir.

Q. You had become his agent; you were his veritable hand for acts of this kind, and your judgment was this was a proper thing to do and in no sense reprehensible?—A. If I had the authority of Mr. Lilley I would undoubtedly have signed it, but he made expression of his disapproval——

Q. Of what?—A. He and I disagreed in our opinions——

Q. About what?—A. Of getting that information from Mr. Edinborough. This newspaper man had said he undoubtedly could get it, and later told me he could not get it; thereupon I wrote——

Q. Why is it that you fail to remember anything that he said, and when you undertook in the name of Smith to get this information—— A. He said nothing to me.

Q. He said nothing in condemnation of your act that you can recollect when you use this false name of Smith to get this information or condemn——A. He was evidently busy about other things, so that he did not take time.

Q. You think if he had taken time and reflected he would have reprimanded you, would have repudiated your act?—A. I have no opinion to offer. I should judge from what was said in the newspaper man's presence that he would have done so if occasion offered. He was very busy at the time.

Q. He would have done what?—A. He would have reprimanded me.

Q. You only escaped a reprimand by his being too busy to attend to it?—A. I should imagine so.

Q. You being 22 years of age plays no part in the character of the reprimand. I have no further questions to ask you.

By Mr. OLMSTED:

Q. You testified that two Connecticut newspaper men—will you give us their full names?—A. I can not do that. I just know them by their last names.

Q. Do you know whether they have any other business here other than newspaper work?—A. Mr. Wollma is private secretary to Congressman N. D. Sperry.

Q. Has the other one any work here?—A. What is the other name?

Q. You gave it to us, you ought to know.—A. Mr. Spencer, whom I pointed out, I believe he is around the Capitol. He thinks he is an officer of the police force.

Q. Both of these Connecticut gentlemen are on the pay roll of the Government, are they?—A. I do not know about that. If being in the capacity of secretary is on the pay roll of the Government, Mr. Spencer undoubtedly is.

Q. Mr. Webster, you have signed Mr. Lilley's name sometimes and sometimes you have signed "Mr. Smith." You signed the name of "Jenkins" to certain communications, did you not?—A. No, sir.

Q. Are you positive of that?—A. Yes, sir.

Q. And you swear positively that you have not written a communication on the typewriter and signed it in typewriter, with the name of S. A. Jenkins?—A. I do.

Q. Do you know who did?—A. No, sir.

The CHAIRMAN. The letter from Mr. Lilley to Mr. Goff, the letter-press copy that you have, and Mr. Goff's original letter, which you said you could produce here, are all that the committee will ask for to-night.

The others, the production of which the witness objected to, will be passed upon later by the committee.

The committee will now take a recess until 10.30 o'clock to-morrow morning.

Thereupon the committee adjourned until to-morrow, Friday, April 24, 1908, at 10.30 o'clock a. m.

HEARINGS ON HOUSE RESOLUTION 288.

SELECT COMMITTEE UNDER HOUSE RESOLUTION 288,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Friday, April 24, 1908.

The committee met at 10.30 o'clock a. m., Hon. H. F. Boutell (chairman) in the chair.

All the members of the committee were present.

The CHAIRMAN. The committee will be in order.

TESTIMONY OF E. S. THEALL.

E. S. THEALL, being first duly sworn, on being examined, testified as follows:

By the CHAIRMAN:

Q. What is your name?—A. E. S. Theall.

Q. Are you the present clerk of the Committee on Naval Affairs of the House of Representatives?—A. I am.

Q. What are those two books you hold in your hand?—A. These are the minutes of the Committee on Naval Affairs of the Fifty-ninth and Sixtieth Congresses, for the years 1906, 1907, and 1908.

Q. Will you leave those originals with the committee for a short time?—A. Yes, sir.

TESTIMONY OF HON. JOHN H. ROTHERMEL.

JOHN H. ROTHERMEL, being first duly sworn, upon being examined, testified as follows:

The WITNESS. Mr. Chairman and gentlemen, my attention has been called to an article in the Philadelphia Record in which it is stated that I accompanied Mr. Olmsted and other Members of Congress to New London. This is the article:

Chairman Boutell introduced another matter of personal nature. The committee had in its possession a clipping from the Bridgeport (Conn.) Standard of March 25, saying that it was reported around the corridors of the Capitol that Messrs. Boutell, Olmsted, Rothermel, and Rodenberg left Washington the day before for New London, Mr. Lilley being there at the time, for the purpose of bringing political influence to bear on Mr. Lilley to stop the submarine investigation. Of the four persons mentioned, Mr. Boutell and Mr. Olmsted are members of the committee and Messrs. Rothermel and Rodenberg are Members of the House. A telegram was in the possession of the committee dated March 24, sent to Mr. Lilley on a train returning from Connecticut, by his private secretary, stating that these Congressmen had bought tickets to New London—the 4 o'clock train.

Mr. Boutell says he would like to know the authority for this telegram. Mr. Olmsted had left on that day for Harrisburg, and he had gone to Springfield, Ill., to attend the State convention. Secretary Webster replied that his information had been furnished him by two correspondents of Connecticut newspapers.

Now, Mr. Chairman and gentlemen, I have never been in New London in my life. I never knew anything at all about this until my attention was called to it by my friend and colleague, Mr. Ansberry. I simply want to make this statement so that there will be removed any wrong impression, either on the part of the committee or any other Member of the House of Representatives.

The CHAIRMAN. I would say, Mr. Rothermel, for your information, that it was disclosed in the evidence yesterday that that report as printed in the Standard originated in the excited imagination of Mr. P. G. Wallmo, clerk to the Committee on the Alcoholic Liquor Traffic in the House of Representatives, Mr. Lilley, or Mr. Webster.

Mr. LILLEY. If you will trace that a little further back, I think you will find that it originated in the brain of Mr. Angus Erly. It is another one of his little jokes.

The CHAIRMAN. That does not appear yet in the evidence, and I am informing Mr. Rothermel what appears in the evidence.

Mr. LILLEY. If you will follow it back, that is where I think it will appear.

Mr. ROTHERMEL. You do not know, Mr. Lilley, of any connection of mine in this affair, do you?

Mr. LILLEY. You are correct, and you and I are about alike in this matter.

By Mr. OLMSTED:

Q. You are a Member of the House of Representatives?—A. Yes, sir.

Q. From Pennsylvania?—A. From Pennsylvania, and your neighbor.

Q. You said you had never been in New London?—A. I have never been in New London.

Q. Have you tried to induce anybody to speak of this investigation?—A. I have never discussed it with anybody.

Q. Have you talked with any member of the committee about this investigation?—A. No, sir; I have not.

Q. Do you know anything about it?—A. Nothing at all, except what I see in the newspapers and have heard in the House of Representatives.

Q. Do you know where you were on that particular day?—A. I can not tell you that. The Record might show. I have not looked.

Q. You were either in Washington or Berks County?—A. Yes. I have been here nearly every day since Congress has been in session. I am sure that I was not with you in New London.

Q. I did not have the pleasure of your society that day, as I was in Harrisburg at the bedside of my sick daughter.

The CHAIRMAN. Whoever originated it, the whole story was a pure fabrication.

Mr. ROTHERMEL. Yes; it must have been, because I have never been connected with it in any way, shape, or manner.

TESTIMONY OF HON. GEORGE L. LILLEY—Resumed.

Hon. GEORGE L. LILLEY, on being recalled, on being examined, testified as follows:

The WITNESS. May I make a statement in regard to what appears in the Washington Post this morning? It says: "Early in the day

Mr. Lilley admitted that the resolution he introduced, which led to the investigation, was handed him by Mr. Neff," etc. Of course, there is no such thing as that in the record. I did not admit that there is any resolution that I have not read. I think when some one was questioning me yesterday I was mixed as to the documents which I handed in and the resolution when I said I had not read it. I supposed that the question referred to the document, and I thought the questioner did not have the resolution in mind.

By Mr. OLMSTED:

Q. You did say—at least I so understood you and I think the record will show—that House resolution 264, about which I questioned you, was introduced by you at the request of Mr. Neff?—A. Yes, sir; but I did not intend to say that I had not read it or had not read the other.

Q. I think you did say you had not read it.—A. I understood you were referring to the figures and the article that I handed in here with the clause in it which said that these things led up to its introduction. If you had in mind the resolution, I had in mind the other.

Q. I do not think there was any confusion at that particular point. House resolution 264 began by saying: "Whereas the following statements have been published in the public press," and you were asked what public press it appeared in, and you said that you did not know.—A. Of course I introduced the resolution without reading it. I thought you were referring to the document which I handed in.

Q. Did you hand in any paper that appeared?—A. Oh, there were several items; my secretary had prepared that, as has been testified here, in Mr. Neff's office, with his help.

Q. Your House resolution 264 on the top of page 364 begins thus: "Whereas, first, the following statements have been published in the public press," and then quoting from the public press, "It can be readily seen that the programme of the House committee at this session proposes to pay at least $1,286 per ton for the submarines against a reasonable price named by Mr. Bowles of $7,045.45 per ton, or $1,476,296.60 more than the present builder said they were worth when he testified before the committee in 1902." I ask you now what press that is taken from?—A. Why, there were several press articles.

Q. I ask you about that particular one.—A. This resolution 264 I told you was handed to me by Mr. Neff. I do not claim to have drawn this resolution, but I do claim to have read it.

Q. You did not claim that yesterday. You disclaimed it.—A. I did not intend to. I thought you were referring to the documents which I handed up here that appear on another page. I did not understand your question yesterday. I thought you referred to another matter.

Q. When did you read it?—A. When he handed it to me.

Q. When was that?—A. The morning, I think, of the 27th.

Q. When did you know that he was going to hand it to you?—A. I can not say whether I knew he was going to hand it to me or not before that, but my impression is that a day or so before that we had had some talk about it.

Q. I call your attention again, on page 363, to your testimony before this commitee, after handing in certain newspaper clippings and extracts from hearings, you say, "The foregoing facts and conditions

influenced me to introduce House resolution No. 264." Now, I call your attention to the fact that there is not a thing in House resolution 264 that can be found in any of these newspaper clippings or documents that you handed in and that you say influenced you.—A. Oh, the clippings are not in the resolution, of course.

Q. Nothing that is in the clippings is in the resolution; not a word. But we went all through that yesterday.—A. There is all this information about the boats.

Q. I think you stated yesterday that Mr. Neff and Mr. Webster were working on these figures on which this resolution was founded?—A. Yes.

Q. Did you know that they were at work upon it?—A. No.

Q. When did you first hear that they were at work upon it?—A. I can not give you the date.

Q. How did you know that they had been working on it?—A. I remember talking about it at the time or just before they performed this work.

Q. Who sent Mr. Webster to Mr. Neff's office to help prepare these things?—A. I did.

Q. How did you happen to send him there?—A. I wanted the information, and he did not have the books in his office, and Mr. Neff had the documents over there.

Q. How did you know that?—A. I had been told so.

Q. By whom?—A. By Mr. Neff.

Q. When?—A. I could not tell you the date.

Q. Where?—A. I do not know that I can tell you where.

Q. How did he come to tell you?—A. I can not tell you that. He knew that I wanted the information.

Q. How did you know that he wanted you to introduce the resolution?—A. I can not tell you any conversation that led up to that, but I know it was talked about.

Q. How did he know that you wanted the information?—A. Because he came to me after I had introduced my resolution asking for an investigation and offered any assistance or information that he could give and suggest through Senator Thurston.

I told him that if they had any facts or any information that they could give me, I would be glad to have them. I had no doubt the committee would be very glad to have any information they could get.

Q. There had not been any committee appointed then.—A. Well, any committee.

Q. How long had Mr. Webster and Mr. Neff been working together on this matter before resolution 264 was prepared?—A. I can not give you the dates at all.

Q. It must have taken a week or two to get up the figures, didn't it?—A. No; I do not think so, Mr. Neff and Mr. Webster can testify to that; I had no part in the preparation of the figures.

Q. You knew that they were at work on them?—A. I knew that they were going to get them up—that is, Mr. Webster was going to get them up. I do not know that I told him to go to get Neff's assistance.

Q. I understood you yesterday that you did.—A. I say that I don't know whether I told him to go to Mr. Neff's office or whether to look up the information himself.

Q. You gave us to understand yesterday that the first that you knew of this resolution was when Mr. Neff brought it to you on the 27th of February.—A. Well, I did not intend to give you that impression. It is the first I had seen of the resolution on the 27th.

Mr. OLMSTED. That is all.

The WITNESS. Mr. Chairman, I want to state that I hope there will be no confusion between resolution 264 and the original resolution. Resolution 264 was introduced for the purpose of getting information from the Navy Department, and my sole purpose in getting that information was to help this committee.

The CHAIRMAN. The only confusion there will be in the minds of the committee will be confusion resulting from the evidence. That is all the committee can go by.

The WITNESS. Well, my sole purpose in getting the information from the Navy Department was to assist this committee.

The CHAIRMAN. Mr. Neff, you say, drew the resolution and gave it to you, and you said on one occasion that you introduced it without reading it, at Mr. Neff's request. This morning you say that you requested Mr. Neff and Mr. Webster to prepare the information. Then later on you say you do not remember that you told your secretary to get that information, so if there is any confusion it is simply the confusion which is created by the evidence.

The WITNESS. Well, Mr. Boutell, Mr. Neff handed me the resolution and suggested my introducing it as I had—there had been some talk of getting this information before he handed the resolution to me.

The CHAIRMAN. Let me ask you this one question: What fair-minded man, either on or off this committee, reading this testimony, or hearing it, would form any other idea than that Mr. Neff was much more interested in bringing out this information than you, so that if there is any confusion as to the origin of the resolution, or what it was intended for, it is confusion that results from the evidence. Mr. Neff testifies that he prepared it; that he got the figures from Mr. Whitney, of the Lake Torpedo Boat Company. You testify you introduced it by request, without looking at it.

The WITNESS. Not without looking at it. I did not look at the figures or the documents that went with it. But in answer to that question I will say that there is no fair-minded man on the committee or myself, or anyone else, that ought not to welcome the information that that resolution would bring out, if it could in any way assist the purpose of this investigation.

The CHAIRMAN. That goes without saying; that is nothing to be disputed. This committee is sitting here for no other purpose than to get information, and as to your suggestion that you wish to remove any confusion in the minds of the committee, that is just what we are here for. There is a good deal of irreconcilable testimony which we are gradually reconciling, as, for instance, the anonymous communications which we hope to have unraveled to the entire satisfaction of this committee within forty-eight hours. So with other conflicting testimony, like that between Mr. Rice and Mr. Simon Lake, this committee, without any help from anybody else, finally unraveled it through the witnesses that we subpœnaed; that is what we are here for, to give all the information anybody will bring us upon any pertinent subject, and any confusion that results in the evidence we shall do our very best to straighten out, and give you and others ample opportunity to complete it.

By Mr. OLMSTED:

Q. Let us call your attention to some of the difficulties that we have had. Yesterday you were asked this question: "Q. Mr. Lilley, will you kindly state who prepared the resolution which you offered in the House of Representatives February 27, 1908, which is known as House resolution 264, as being the resolution a copy of which was contained in your communication of March 19 to this committee, published on page 264 of our record;" and your answer was, "A. I will have to inquire of Mr. Webster." Then you were asked: "You introduced the resolution?—A. I introduced it. Q. You do not know who prepared it?—A. I do not recall; I do not know, in fact." That is what you said yesterday.—A. Well, after Mr. Neff had cleared up the situation, of course I knew that he had prepared it, but I do not charge my mind with this clerical work or this office work that belongs to my secretary to do. I do not think it matters who prepares or introduces a resolution, if it brings results and throws light on the questions we are trying to get at.

The CHAIRMAN. As the chairman has said before, you, of all other witnesses, will be accorded the amplest opportunity to make any statement respecting your evidence and any corrections, and the only object of the committee in prolonging its sessions is to reconcile the conflicting testimony and bring out the full truth in this investigation, and any doubt that may arise from the fallibility of human memory or the fallibility of human evidence we will try to remove, and if anything is illustrated in this investigation it is the fallibility of testimony of perfectly straightforward men. So, if we can aid your memory through the testimony of Mr. Neff and Mr. Whitney and Mr. Webster, Senator Thurston, or anyone else, you are going to have their statements as well as those of any other witnesses to corroborate you.

By Mr. STEVENS:

Q. You said that this was your third term in Congress?—A. I did.

Q. Of what committees were you a member during your first term?—A. I was on Territories and Expenditures in the Post-Office Department.

Q. Was any member of the Naval Affairs Committee in the Fifty-eighth Congress from your State?—A. Mr. Brandegee.

Q. You paid no particular attention, not being a member of that committee at that session?—A. No, sir.

Q. Did you give any attention to naval matters particularly that session or that term of Congress?—A. No particular attention; no, sir.

Q. Did you give any more attention to naval affairs than you did to military matters or the militia?—A. Why, yes; I was rather more interested in naval affairs, because of the fact that Senator Brandegee and I were close friends, and he was on that committee.

Q. You talked over matters with him?—A. More or less.

Q. Did you anticipate in the Fifty-eighth Congress becoming a member of the committee in the Fifty-ninth Congress?—A. I certainly did not. I did not anticipate Mr. Brandegee would go to the Senate. Senator Platt was living then.

Q. At that time Mr. Brandegee was a Member of the House and Senator Platt was a Member of the Senate from Connecticut?—A. Yes, sir.

Q. And Senator Platt died and Mr. Brandegee was elected to succeed him?—A. Yes, sir.

Q. So that after the Fifty-ninth Congress convened you then were an applicant for a position on the Committee on Naval Affairs?—A. Yes, sir.

Q. During the Fifty-eighth Congress, before you were a member of the Committee on Naval Affairs, did you discuss with Mr. Brandegee the subject of submarine matters?—A. I do not recall any particular conversation that I ever had with Senator Brandegee or anyone else. I heard them discussed in a general way.

Q. You talked over generally naval propositions in which you were somewhat interested?—A. Not general naval propositions.

Q. What particular proposition?—A. Perhaps no particular proposition except certain people's attitude on submarines.

Q. Then you did have some discussion concerning submarine matters?—A. Oh, no; no discussion; I do not recall any discussion.

Q. What did you mean by saying that you did discuss the attitude of some particular people as regards submarines?—A. Why, I gathered from what Senator Brandegee told me at the time that there were some people pretty active on that committee in——

Q. In favor of submarine legislation?—A. In favor of submarine legislation.

Q. Did that interest you so that you began to investigate the condition of the submarine situation?—A. No; I did not begin to investigate at that time.

Q. Did you begin to look into the submarine situation in any way?—A. Why, only as I heard it commented upon. I knew about the Lessler matter.

Q. What did you know about that?—A. Why, I knew that there had been an investigation, and that certain charges had been made.

Q. Was that a part of a conversation that you had with Senator Brandegee and others?—A. It may have been, and probably was mentioned, but I can not recall the conversation.

Q. I do not expect that, but in what other subject—who were interested in submarine matters, did you inform yourself about at that time?—A. Why, I do not recall any specific thing.

Q. Did you hunt up the old Lessler report and investigate to find out what the situation was?—A. I did not read the Lessler report; no.

Q. Did you read the other reports of the Navy Department concerning naval matters and the programme at that time?—A. I do not recall that I did.

Q. So that up to the time you were appointed to the Committee on Naval Affairs, in 1905, you had given no particular study to naval matters?—A. No, sir.

Q. You had not read these various reports of Congress on naval matters?—A. I do not recall any particular report, outside of the report that came in with the naval bill.

Q. Have you read the report of Admiral O'Neil and Admiral Hichborn and Admiral Bowles, who testified in 1902, I think it was, on that matter?—A. No, I can not say when I first read those reports.

Q. Had you read the hearings of the Naval Committee in 1900 on the submarine matter?—A. No, sir.

Q. Have you read the hearings of 1901 on the submarine matter?—A. No, sir.

Q. So, up to that time you had not informed yourself particularly concerning the history of the matter before Congress?—A. Only from hearsay.

Q. Had you informed yourself concerning submarine matters by reading the reports of the naval bureaus, the Bureau of Construction, the Bureau of Steam Engineering, the Bureau of Ordnance?—A. No, sir.

Q. So, up to the time you were appointed on the committee in 1905, your mind was open to receive whatever came to you on that subject?—A. Yes, sir.

Q. And you did not have any particular preconceived opinion or prejudice about submarines, either for or against them, had you?—A. Why, I had heard before that different people express their opinions, but I can not say that they had made any deep impression on me.

Q. When did you first begin to learn or take particular interest in this submarine matter?—A. I first began to learn of them in the Fifty-eighth Congress, but I did not take any interest in them until the Fifty-ninth Congress.

Q. After you were appointed on the committee?—A. Yes, sir.

Q. Did you follow the debates in Congress, read the debates in the Senate and House, before you were a member of the Naval Committee?—A. I listened to the debates on the naval bill when Mr. Brandegee was on the committee.

Q. And manifested the interest that most of us had in an important and novel subject?—A. Yes, sir.

Q. But did not pursue the matter much further?—A. No, sir.

Q. You were appointed in December, 1905, as a member of the Committee on Naval Affairs to succeed Mr. Brandegee?—A. Yes, sir.

Q. And you began your services after the holiday recess, in January, 1906?—A. Yes, sir.

Q. Up to that time you had given no particular attention to the subject of submarines? Now, what study did you then begin to give to the subject of the submarine history and legislation?—A. No more than would be gained by the arguments and conversations and documents on the subject.

Q. What documents did you read?—A. Why, various literature was sent to us.

Q. What?—A. Showing the efficiency——

Q. By literature what do you mean?—A. It came from either one or the other of the two companies.

Q. That is what I wanted to find out. You read whatever pamphlets or statements or articles that came from the two companies?—A. Yes, sir.

Q. Did you read the official report of the Secretary of the Navy for the year 1905?—A. I probably did.

Q. On that subect. You do not recall his designation of that subject in that report?—A. I do not.

Q. Do you recall reading the reports of the Bureaus of Ordnance and Steam Engineering and Construction on the subject that year?—

A. I do not recall any of the reports. We read more or less of them during the discussion of the bill, but I could not retain the contents of them.

Q. You can not tell, now, what impression was left on your mind at that time?—A. Those reports did not leave so much impression on my mind as things that I saw and heard.

Q. What things did you see and hear at that time?—A. I can not give you any specific conversations. But there was a good deal of talk.

Q. Who talked?—A. In a way. I can not name any particular people. There was a good deal of talk in the air then, and before I came to Congress, about the methods employed by this company.

Q. Who talked?—A. I could not give you any specific conversations.

Q. Can you give the name of any person who talked about that subject?—A. Yes; I could relate the name of the Senator, now deceased, from Connecticut, but I could not relate any specific conversation with him.

Q. Can you remember the conversation with any person living?—A. No, sir; no specific conversation.

Q. But the conversations that, as you say, were in the air at that time made a far greater impression on your mind than the official reports of the navy officers and naval boards up to that time?—A. Well, I don't know; I would not say which made the greater impression on my mind.

Q. Do you remember whether the reports up to that time favored the construction of submarines by Congress?—A. Up to the Fifty-eighth Congress?

Q. Up to the first session you were on the committee?—A. No, sir.

Q. You can not remember that?—A. I do not know.

Q. Did you read any of the hearings of the Senate or House committees or Senate or House documents upon that subject up to that time?—A. No, sir.

Q. Did the conversations that you had up to the time of the action by the Naval Committee on the first naval committee you voted on incline you to vote for submarines?—A. Why, the recommendations of the Navy Department had as much to do with my voting for submarines more than any other thing.

Q. In what way did the recommendations come to you that affected your judgment?—A. Through the Secretary's report.

Q. And the testimony of the officers before the committee?—A. Yes, sir.

Q. So that you accepted their judgment at that time and voted for the submarine provision in the act of 1906?—A. I voted for the appropriation in 1906.

Q. You voted for the provision as it was inserted in the naval bill, didn't you?—A. Of $1,000,000, if that is what is in the naval bill, as far as I remember it; I won't be certain about the figures.

Q. But you voted for the $1,000,000 appropriation?—A. If that is in the bill.

Q. That is what is in the bill, and you voted for that specific appropriation at that time?—A. Yes, sir.

Q. And for the conditions which accompanied that appropriation?—A. Yes, sir.

Q. So that whatever language was in the bill, whether it was restrictive or otherwise, you voted for it?—A. It was not restrictive.

Q. Such as it was, you voted for it?—A. Yes, sir.

Q. Did you take part in the discussion on the floor of the House on the subject of submarines?—A. No, sir.

Q. Did you give any particular study then or after that, after Congress adjourned, during 1906, relative to the subject of submarine legislation and matters in the Department?—A. I do not recall any.

Q. So that, up to the beginning of the session of 1907, you had not particularly informed yourself on the subject of submarine legislation more than you have described?—A. No, sir.

Q. In the session of 1907, a year ago, did you then, during the winter, inform yourself particularly on the subject of submarine legislation?—A. I ought to have been well informed. I had a man down here especially for that purpose.

Q. What did you do to inform yourself?—A. I listened to the arguments before the committee and in the committee.

Q. Arguments by whom?—A. Various people.

Q. Who?—A. I can not give the names.

Q. Who did they represent?—A. The heads of the bureaus.

Q. Did you read their reports?—A. Some of them.

Q. Which ones?—A. I can not tell you. Perhaps some parts of them, and perhaps not of any one of them.

Q. Did you read the report of the Secretary of the Navy of 1906?—A. I would not say that I read it all. It was before us all the while in committee. We referred to it frequently during the testimony before the committee.

Q. But you do not recall reading the official report of the Secretary of the Navy of 1906?—A. I do not recall that.

Q. Do you recall the particular part of the report of 1906 of the Secretary of the Navy referring to submarines?—A. I do not.

Q. Do you recall the report of the Bureau of Ordnance and of the Bureau of Construction of that year with reference to submarines?—A. I do not think ordnance has anything to do with submarines.

Q. The Bureau of Ordnance used to have charge of submarines at one time, didn't it?—A. I do not recollect any testimony from the head of the Bureau of Ordnance in the last two Congresses.

Q. Didn't the Bureau of Ordnance at one time have charge of the subject of submarines?—A. I do not know.

Q. So that you did not keep particularly informed about the history and proceedings in the bureaus of the Navy Department concerning this matter?—A. No; not in the bureaus of the Navy Department.

Q. And your information came from the testimony of these officers before the Naval Committee?—A. The things that I read in the papers and documents that were sent, and the reports that came in.

Q. What reports?—A. Of committees; testimony before the committee.

Q. Principally the testimony and report of the Naval Committee, and testimony before the entire committee?—A. No, sir.

Q. You read, then, when you voted on the naval bill of a year ago the various Senate and House documents on submarine matters from 1900 up to that time?—A. No, sir.

Q. Have you since read those reports and hearings on submarine matters in the Senate and the House and the bureaus up to this

time?—A. I have read more or less of them, but I do not retain the substance.

Q. Have you read the report of the Bureau of Ordnance for 1901?—A. No, sir.

Q. Have you read the reported hearings for 1900?—A. No, sir.

Q. Have you read the hearings of March 28, 1902; do you recall Admiral Hichborn, Caldwell, and Simon Lake's testimony?—A. I have read some of those reports.

Q. Have you read the statements of Admiral Melville and Admiral Bowles?—A. I have.

Q. In that report?—A. I can not recall the dates of those reports. Possibly some of them may have been in 1900. I have read the testimony you are referring to now.

Q. When did you read it?—A. I can not tell you when I first read it. I have read it a number of times.

Q. How long ago?—A. I could not tell you that.

Q. Didn't it make impression enough on your mind so that you can recall when you first read it?—A. No, sir.

Q. Was it recently, do you think?—A. I have read it recently.

Q. Can not you recall when you first read it?—A. I can not.

Q. Was it before or after you voted on the naval bill a year ago?—A. I should say before.

Q. How long before?—A. I could not tell.

Q. Was it before you were on the Naval Committee?—A. No.

Q. It was after?—A. Yes.

Q. So it was between the time you were appointed on the Naval Committee and the time you voted on the naval bill a year ago?—A. Why, yes; I think I read it between those times, but I won't swear as to the dates when I first read those reports. I heard them discussed before I ever read them.

Q. In what way did you come to read them?—A. They were called to my attention.

Q. Who called it?—A. I can not remember; probably by testimony that came out before the House Naval Committee.

Q. Where did you obtain those reports?—A. I can not say where I first obtained them.

Q. Where did you read them?—A. I can not say that.

Q. Did you read in Washington or in Connecticut?—A. In Washington.

Q. Can not you recall whether you read them in the Naval Committee room or at your hotel?—A. I do not think I read them at the hotel.

Q. You probably read them in the Naval Committee room?—A. I think I have probably read them over in the Naval Committee room many times.

Q. And that is probably the way you obtained your information concerning those reports?—A. That is the way one is apt to obtain most of his information in legislation—from arguments in the committee rooms, or their hearings, stretched over a period of two or three months.

Q. So that the chances are that whatever information you obtained from those reports that I have referred to you got from hearings before the Committee on Naval Affairs after you became a member?—A. Very largely.

Q. Do you recall reading anything outside of that?—A. On submarines?

Q. Yes; of these reports and documents; there were a great many of them.—A. Oh, I might have; I know they have been printed.

Q. Can you remember any particular one that impressed itself upon your mind?—A. I do not.

Q. Have you read any of them while you have been at home during your vacation?—A. I do not think so; I do not recall.

Q. You would likely recollect if you had taken any home to study them separately?—A. I do not recall any particular place that I have read them.

Q. You would recollect if you had taken them home?—A. No; I would not. I do not charge my memory with anything I read in the papers.

Q. These would not be in the papers. These would be the official report of the official who has charge of this important matter.—A. I do not think I have read those reports home. I may have looked through the naval report, the volume there where they are all embodied.

Q. The annual report?—A. Yes; I had one on my desk at home, and I may have looked into it occasionally.

Q. But not to study it particularly?—A. No, sir.

Q. After you voted on the naval bill—you voted for the provision in the bill a year ago, I think you stated?—A. Yes.

Q. So that as long as you have been on the Naval Committee, during the first term that you were on the Naval Committee you did vote for the provisions of the act of 1906 and the act of 1907 as they passed?—A. Yes.

Q. And which one of those was it that you referred to when you told Mr. Taylor, "Franklin, your face was before me when I voted?"—A. I think that was the first one, the $1,000,000 one. It was not large enough to suit him.

Q. And he was interested in the appropriation?—A. He seemed to be.

Q. Did he talk with you about this appropriation from the time you went on the Naval Committee down?—A. I think he talked with me before anyone else.

Q. He has always been interested in these appropriations?—A. He seemed to be.

Q. Have you changed your opinion as to the value of submarine boats from the time you went on the Naval Committee down to the time you voted last?—A. Yes, sir; I have somewhat.

Q. In what way?—A. I don't think they are very—I don't think they are perfected. I think they are very largely in the experimental stage; that it will be some years before we get a submarine that is valuable as a weapon of warfare.

Q. Do you recall the report of the Secretary of the Navy of this last year, 1907, on the subject of submarines?—A. I can not quote his language, but I have seen the report.

Q. Did you read the report of the Bureau of Engineering and the Bureau of Construction and the Bureau of Ordnance on this same subject?—A. No, sir; not all of it. Only as they were before the committee.

Q. Only as the testimony from them appeared before the committee?—A. As referred by the board to the committee.

Q. Do you recall what was the recommendation of the Secretary of the Navy this year on the subject of submarines?—A. He recommended four boats.

Q. Was this the first time, and if not when was the first time, that the Secretary of the Navy had recommended specifically the construction of submarines?—A. I can not tell you the first time that the Secretary of the Navy specifically recommended the construction of submarines.

Q. Wasn't this year the first time?—A. No, sir.

Q. You think that there was a recommendation in the report of 1906, do you?—A. I think so. I think there was a difference of opinion as to the number between the board and the Secretary one year.

Q. And your own opinion has changed to the extent of less and less believing in the advantage of having submarines; is that it?—A. Well, I believe that a few submarines for experimental purposes are all right if the Secretary of the Navy and the Department wanted them—if they had thought they ought to have them. I have always been willing to bow to their superior technical knowledge and skill.

Q. Then if the Department did not recommend them you did not feel inclined to vote for them?—A. I would not have voted for any this year without the recommendation of the Department.

Q. How about previous years?—A. I won't attempt to remember what the Secretary recommended—the number of amounts in previous years.

Q. If the Secretary had not recommended in 1906 or for the bill of 1907, and yet you had voted for submarines, then you would not have followed the recommendation of the Secretary of the Navy?—A. I might still have followed the recommendation of the General Board. My impression is there was a divergence of opinion one year between the General Board and the Secretary.

Q. So that you did not invariably follow the opinion of the Secretary of the Navy?—A. I would not say that I did not invariably follow his opinion, because I might not invariably follow anyone's opinion, but I might yield my judgment somewhat to a person with more expert opinion.

Q. What expert opinion did you follow in 1906 when you voted?—A. I can not tell you. I do not claim that the reason I voted for submarines was because the Secretary might recommend them, but that would have something to do.

Q. Do you recall the report of the Board on Construction in 1906 upon that subject?—A. I do not.

Q. You do not know whether they recommended this specific item which you voted for in reference to submarines?—A. In 1906, I think, was the time when an attempt was made to shut out competition, and Mr. Vreeland made a very able argument before the committee which resulted in the committee giving it over into his hands and Mr. Mudd's, I think, to fix it up according to the ideas that had been expressed by Mr. Vreeland, although I think the idea originated with Mr. Mudd, but Mr. Vreeland made the argument, which permitted competition.

Q. Did you follow the recommendation of the naval bureaus and the boards or the argument of these gentlemen in the committee in your action?—A. Well, the argument in the committee probably followed their report, whatever it was—I can not say about that.

Q. You can not tell whether you followed the recommendation of the technical officers of the Navy or not?—A. I can not say that I voted for the exact amount or number of boats that they asked for.

Q. You do not remember, as you stated, the recommendations of the two boards, the General Board and the Board on Construction, as to submarines for the bill of 1907?—A. No, sir; I would not remember it. I would not be apt to remember it.

Q. Now, as a matter of fact, as the report of the Secretary of the Navy for the year 1906 shows, there is no recommendation for submarines by either the General Board or Board on Construction. On page 26 of the report appears a recommendation, which does not contain any item for submarines. Now, in view of the situation, what induced you to vote for the submarine appropriation of that year?—A. Whose report have you quoted from?

Q. The Secretary of the Navy for the year 1906?—A. Have you the reports from the other—notwithstanding this report, the Secretary of the Navy or some of the heads of the bureaus may in arguments before the committee have recommended submarines.

Q. That is what we want to find out. What was said and done by any officer of the Navy Department outside of their reports?—A. I could not tell you.

Q. Then the hearings did influence you?—A. I could not tell you that.

Q. You can say as a matter of fact that there was no report by any one of the bureau officers?—A. There was one thing that always influenced me, and that was that there seemed to be a clique in the committee that were always striving to get the utmost amount of money appropriated for submarines, and the very largest number that it was possible to obtain, and my impression is that the others who did not think that they were as effective a weapon of warfare as they were said to be, tried to keep the amount down, and in both of those years, if I recall it, it was in the nature of a compromise, and the smallest amount——

Q. Are you sure that you always voted for the smallest amount?—A. Well. I can not recall what my votes have been, but my impression is that we in one of those years started in at a certain point to appropriate a certain sum of money, and that was lost, and then a new motion was made until this particular motion carried, and it was voted for for fear it would be larger.

Q. But you always voted for the appropriation for submarines, substantially as it came from the committee, did you not?—A. Voted for the appropriation in the House as it came from the committee?

Q. No; you voted in the committee.—A. Substantially as it came from the committee.

Q. From the committee.—A. Yes, sir; until this year.

Q. Although up to this year the Secretary of the Navy and the General Board and the Board of Construction never had specifically recommended construction of any one of them?—A. I would not say that.

Q. The report shows it, does it not?—A. Well, the testimony before the Naval Committee would show it.

Q. They show that these boards changed their opinion between the day they made their report as required by law?—A. Not necessarily. Perhaps submarines had never been mentioned until this year, and there has always been more or less argument before the committee on it.

Q. I think you are right that these officers of this year had not recommended in their former reports any submarines; I think that is right, so that whatever testimony or official statements they made are contained in testimony before that committee; is that it?—A. I won't say that is it. If you say that is it, I will assume that you know.

Q. You do not know of your own knowledge, then?—A. No, sir; I would not swear to that statement, although if you say it is so——

Q. Then what report do you know of with which you are familiar of the Secretary of the Navy or of these various bureaus before this year making recommendation for submarines?—A. I can not tell you.

Q. Did you read them and not find out?—A. Most of the reading of those reports, as you probably very well know, is done when the men from the different heads come before the committee. I doubt whether ever a member of that committee has ever read those annual reports.

Q. Did you object yourself to any of the submarine legislation of 1906 and 1907 on the ground that the naval officers had not recommended them in their reports?—A. I can not tell you, Mr. Stevens, what occurred in those years. I know that I was not very favorable to submarines and that there were a certain number of gentlemen on the committee that would have liked to have had very much larger appropriations and a very much larger number, but I can not give you any specific conversation or tell you just what was in my mind at that time or just what the things were that moved me to vote at that time for those particular amounts.

Q. But you did vote for those two bills at that time?—A. I did.

Q. After the act of 1907 was passed did you give any further study to submarine legislation or submarine matters in the Navy Department until this controversy came up between the Lake Company and the Electric Company?—A. No, sir.

Q. You did not seek, then, to study these various reports and the history of these matters?—A. I did not even seek to study the trials, and do not know yet what the report is on it down at Newport last June.

Q. Have you not read the report of that Marix board?—A. I have not.

Q. Did you not read the report of the bureau officers at the beginning of the present session of Congress?—A. I did not read them.

Q. Did you read the report of the Secretary of the Navy at the beginning of the present session of Congress, 1907?—A. Only as I have told you.

Q. Then you did not read it particularly?—A. No, sir; I recall that the Secretary spoke to the committee about a great many questions that were asked him. He said to the committee, "Why, that is in my report; you probably read my report." There was not anyone in the committee that spoke up and said they had. I do not be-

lieve those reports are generally read, except as they are used for reference when the heads of the bureaus come before the committee to testify as to their requirements.

Q. So that you did not read the report of the Secretary of the Navy for the year 1907?—A. Not in full, except as he was before the committee.

Q. So that you did not read up this subject of submarine legislation or submarine matters before the Department?—A. I read the recommendation of the Secretary of the Navy on submarine legislation.

Q. Yes; but did you read his statement in his report, contained in pages from 12 to 15, inclusive, on the subject of submarine matters, of this last report of 1907?—A. I do not recall having read it in full, unless it was read before the committee.

Q. Whatever study you gave, then, to the matter, were the arguments and reading the discussions before the Committee on Naval Affairs?—A. Principally.

Q. How much outside of that?—A. Oh, I have read more or less reports.

Q. What ones?—A. I do not specify any particular one or any particular year, but the principal part of our knowledge in naval affairs has come from the heads of the Departments as they have testified before the committee and in visiting the yards and docks.

Q. Now, the naval bill was acted on by the committee this year on the 10th day of February, 1908, was it?—A. Yes, sir.

Q. And up to that time had you read any of these various reports and the statement of hearings any more than you have indicated?—A. No more than I have indicated.

Q. Then, what did you mean by your testimony before this committee on page 18, in which you state—it may be page 38 there—near the top of the page, "Just prior to my appointment as a member of the Naval Committee I had familiarized myself with the investigation conducted by the Naval Committee on the charges made by Representative Lessler, that $5,000 had been offered him by an attorney representing the Electric Boat Company to influence his action as a member of the said Naval Committee. This investigation resulted in what might be termed a 'Scotch verdict' of not proven. I also familiarized myself with former investigations of the Naval Committee of this same subject-matter and all the discussions upon the floor of the House in relation thereto." Now, what did you mean by that?—A. I meant just what it says.

Q. Now, you stated that you had familiarized yourself——A. With the Lessler investigation.

Q. Yes; now what have you done?—A. I was down here when it was going on.

Q. Did you attend the hearings?—A. No, sir; but I was intimate with a man who did, who was on the committee.

Q. Did you read the report?—A. No; I did not read the report.

Q. Do you know what became of the report?—A. I have been told that the report was never acted upon.

Q. And that was the way you familiarized yourself with the Lessler investigation, was it?—A. Yes, sir; with conversations and talk with people who were familiar with it.

Q. And that is all?—A. I had never read that report in full; I had read parts of it.

Q. So that when you make this statement to this committee that you had familiarized yourself, that this investigation resulted in what might be termed a "Scotch verdict" of not proven, and that the report had never been filed, you did not know of your own knowledge about those things?—A. Why, I had familiarized myself by getting the information from people who did know.

Q. Who was it you talked with?—A. I talked with various people that I met at the time.

Q. Well, who?—A. I do not recall the people; that would be impossible.

Q. Can not you tell what your source of information was by which you familiarized yourself?—A. I would not attempt to remember conversations I had with people five or six years ago.

Q. But you came before this committee and under oath testified that you had familiarized yourself?—A. I know it was enough to impress me what the real facts in the case were—that Mr. Lessler claimed to have been offered $5,000 through Doblin.

Q. That is what we want to find out. What we wanted to find out was just how you obtained your familiarity, as you testified before this committee that you had become familiar.—A. I obtained it by coming in contact with people who knew, and I was here at the time.

Q. So by the terms you state here you swear before us that you had familiarized yourself with the investigation. By that you mean that you had talked with various people more or less?—A. And I have read some of the Lessler reports, and furthermore it was all in the newspapers at the time.

Q. Did you do that before you were a member of the Naval Committee?—A. Yes, sir.

Q. And that was to the extent that you were familiar with the report?—A. Yes, sir.

Q. Now, in what way had you familiarized yourself with former investigations of the Naval Committee on this same subject-matter and all the discussions upon the floor of the House in relation thereto?—A. Well, that does not refer to former investigations of the Lessler matter.

Q. No; it refers to this same subject-matter. Now, just tell us in what way you familiarized yourself with former investigations of the Naval Committee on this same subject-matter and all discussions upon the floor of this House in relation thereto.—A. Why, that does not refer to investigations of that nature.

Q. No; it refers to the subject-matter of submarine legislation, I presume; it is your own language.—A. The subject-matter of legislation on submarines.

Q. You know what your own language means?—A. I familiarized myself with the subject-matter of legislation on submarines in exactly the same way.

Q. By conversations with various people?—A. Yes, sir.

Q. But no more than you outlined to us in your examination this morning?—A. No, sir.

Q. So that we are to understand that up to the time this resolution was drawn by you and this investigation began your information on these subjects as testified by you is comprised within the scope already stated, that you have testified to this morning?—A. Yes, sir; and things that have come under my observation.

Q. In what way?—A. The charges that I made of the employment of lawyers in various parts of the country and pretense of influence to get men on the committee and circulate literature.

Q. Yes; we will come to those things gradually.—A. And getting excessive prices for goods.

Q. So far as your knowing the history; that is as far as we have got now—so far as your knowing the history of this submarine legislation in Congress before the Department, you have given us the extent and the basis of your knowledge?—A. Yes, sir.

Q. Now, as to this matter of employing attorneys. When did you find out first that attorneys were being employed by the Electric Boat Company?—A. The first year I was on the committee was the first time I had any experience with that.

Q. That was Mr. Kellogg, was it?—A. Yes, sir.

Q. Without attempting to go over that matter, have you anything to add to that?—A. No, sir.

Q. What next did you learn about the employment of attorneys by this company? What other attorney did you next learn that they employed?—A. Oh, I can not tell you what next one they employed.

Q. You learned about Mr. Kellogg two years ago?—A. Yes; and I learned there were a number of others scattered around at different places.

Q. What others?—A. One in Michigan and one in Texas.

Q. When did you first learn about that one in Michigan?—A. A year or two ago.

Q. Well, now, how?—A. I do not recall who the first person was that told me.

Q. When did you first learn about that?—A. I could not tell exactly, but some time within a couple of years.

Q. Did that attorney talk to you?—A. No, sir.

Q. Did you see him talk to any other member of the committee?—A. No, sir.

Q. Did he appear before the committee?—A. No, sir.

Q. Did any members of the committee tell you that he had been employed?—A. Yes.

Q. Well, now, when; who and when?—A. I can not tell you the date.

Q. No, but about when?—A. Sometime within a year.

Q. And about what time?—A. Well, Mr. Loud told me on the trip that we were on this last summer, and I can not tell when Mr. Foss told me.

Q. First, what did Mr. Loud tell you?—A. Mr. Loud told me that they had employed one.

Q. Do you remember the conversation that Mr. Loud had at that time? Exactly what information did you get from Mr. Loud at that time?—A. I do not know that I can tell the exact information; I would not attempt to.

Q. Well, now, you can tell us, about as near as you can recollect, what information you got from Mr. Loud on that trip.—A. Mr. Loud spoke of it twice on that trip.

Q. Well, now, what did he say—as near as you can recall?—A. We were discussing submarines, and the argument was more or less heated, and I made the statement that they were employing attorneys in Members' districts.

Q. Now, what was your basis for that statement at that time?—A. I had heard that there was a man in Loud's district before then.

Q. In what way had you heard that?—A. I can not tell you when I first heard of it, when he first told me.

Q. Can you tell me how long before this talk with Mr. Loud you heard about it?—A. No, I can not.

Q. Did you know about it when you voted for the appropriation bill of 1907?—A. I am not sure whether I knew about it before then, but I think about that time.

Q. In what way did it come to you?—A. I can not tell you who told me first; I did not know the man's name; I simply knew that there was a man out there. The first time I got his name was some time after I introduced the resolution.

Q. So can't you recall in any way, as best you can, to refresh your recollection, whether you had heard about this employment of this attorney in Michigan at the time the 1907 naval bill was considered in your committee?—A. I could not give you the date that I first learned of it.

Q. Can you not recall in what way this news came to you?—A. No, I can not; not when it first came to me.

Q. Do you not know whether it came by means of a conversation or a letter?—A. It probably did come by means of a conversation, because I had no letter.

Q. Can you not recall with whom you had the conversation?—A. I can not recall who was the first person that gave me any information about it.

Q. When you came to discuss the matter with Mr. Loud did he bring up the subject to you, or you bring it up with him?—A. We were discussing submarines.

Q. Well, now, what did he say; who first broached the subject of the employment of attorneys in Michigan?—A. At that time Mr. Loud did. I said there were being attorneys employed, but I did not mention Michigan or his district.

Q. Yet you knew him at that time?—A. Yes, sir; I did.

Q. You and Mr. Loud were quite friendly, were you not?—A. We are now.

Q. You were at that time?—A. No more so than now.

Q. But you were friendly enough so that you talked over matters in relation to the committee and your personal relations thereto with each other?—A. Yes, sir.

Q. You knew an attorney was employed in his district and suggested nothing to your friend about it?—A. I did not care to mention it to him; I should not have mentioned it to him then if he had not spoken about it.

Q. Now, what did he say?—A. I have testified that his testimony was substantially correct.

Q. That Mr. Loud's testimony was correct?—A. Substantially correct at the time Mr. Vreeland referred to; I think it was Mr. Vreeland.

Q. And you have nothing to add to that?—A. No, sir.

Q. And that was the information that came to you at that time with the two conversations with Mr. Loud on that trip on the subject of an attorney being hired in Michigan?—A. That was the first information that came to me.

Q. I am speaking about what information you got from Mr. Loud?—A. Yes, sir.

Q. And that was all the information you got from Mr. Loud at that time, that he has already testified to?—A. That was practically all; that was one of the conversations. I would not like to swear that that was all that was said by Mr. Loud and I at any time.

Q. If there was any more, will you not state it to us?—A. Well, at one of those conversations Mr. Loud said in response to what I had to say, that attorneys were hired in various districts, "Yes, and paid by the piece."

Q. Mr. Loud said that?—A. Yes, sir.

Q. Was that on this trip?—A. Yes, sir.

Q. What did you say to that?—A. That was just as were leaving the table. Everyone else had left the dining room and going up on deck.

Q. Was there any further conversation about that?—A. None whatever.

Q. But he did not give the name of that lawyer at that time?—A. No, sir; no name and no district.

Q. And he did not state any more than was contained in the additional statement you have just given, and that is contained in his statement on 774?—A. Yes, sir.

Q. When next did you hear about the employment of this Michigan attorney?—A. Well, I do not recall any other conversation with anyone about a Michigan attorney until after the resolution was introduced.

Q. When was that next after the resolution was introduced?—A. I should think—the resolution was introduced Thursday, the 20th of February, as I recall it, and I think it was the first following week.

Q. About as you testified yesterday, then?—A. Yes, sir.

Q. And that was with Mr. Cameron, a newspaper man?—A. He is a newspaper correspondent, and I think that is his name.

Q. Now, Mr. Webster said that was probably two days before the appointment of this committee. This resolution was introduced on the 20th, and Mr. Webster recalled that about March 4 or 5 Mr. Cameron came into your office. Does that correspond with your recollection?—A. No; he came in earlier than that.

Q. How much earlier?—A. I should say he was in there by the 24th or 25th.

Q. And he was the person who brought these newspaper clippings for you which you placed in your testimony, was it?—A. I think so.

Q. The original issue, pages 20–21, from the Detroit News, two clippings from the Detroit News?—A. I think he brought those clippings in, but I am not sure about it.

Q. Where else would you have obtained them?—A. I do not know.

Q. Would you recall where you got this particular information, would you not?—A. No; because I got a good many clippings.

Q. Did you get any information from anybody else concerning this man Gordon?—A. I do not recall having gotten any other information. He did not know Mr. Gordon's initials at that time that he was in.

Q. How long after did he furnish them?—A. He did not furnish me with them. He furnished Mr. Webster with his initials afterwards.

Q. A few days afterwards?—A. I do not know.

Q. So that when you gave your interview to the Washington Post of Friday, February 21, 1908, and contained on page 11 of the original print of our testimony, you made that statement, page 11, under the paragraph, "Adepts in lobby work," the sentence reading, "They have brought all sorts of pressure to bear on individual Members, and even candidates have been brought into the field to contest the nomination of Members who have opposed the company's policy." Do you recall that sentence?—A. Yes, sir.

Q. And that sentence had reference to this man Gordon's relations with Mr. Loud, had it?—A. Yes.

Q. Now, he testified that Mr. Loud had not told you anything concerning this fact that Mr. Gordon had been brought in to contest his nomination. Where did you get that information?—A. That information did not come to me from Mr. Loud.

Q. Where did it come from?—A. It came from another member of the Naval Committee.

Q. Who?—A. Mr. Foss.

Q. When did Mr. Foss tell you that?—A. About a year ago; a little more, perhaps.

Q. That was in the spring of——A. I won't be positive about that, but it was before Mr. Loud had said anything to me about it.

A. I won't eb positive about that, but it was before Mr. Loud had said anything to me about it.

Q. Now, what was the occasion of Mr. Foss telling you that?—A. We were discussing the submarines and the Electric Boat Company and their methods.

Q. Where?—A. I do not recall.

Q. What did he say about this?—A. He said that he had heard that they had a candidate out in Mr. Loud's district.

Q. What else did he say?—A. That is about all he said; I do not recall the exact conversation.

Q. You do not remember exactly where it occurred?—A. It was either in the committee room or on the *Dolphin*, I am not sure which.

Q. Was it about the time that you had this conversation with Mr. Loud?—A. I can not tell you.

Q. You do not know whether it was before or after?—A. It was before.

Q. Was that the source of the information that you originally possessed concerning this matter?—A. That was one of the sources.

Q. So that you knew this at the time you talked to Mr. Loud?—A. Yes, sir.

Q. But you did not mention it to him?—A. No, sir; I would not mention it to him.

Q. And he did not mention it to you?—A. No, sir.

Q. Now, what other information have you concerning this particular paragraph in the Washington Post; any other?—A. No, sir; I have not read the paragraph yet. Let me see if there is anything else contained in it. [Examining article.] No, sir; I have no other information on that paragraph.

Q. Now, after the resolution was introduced on the 20th day of February, what did you first do to secure information to lay before this committee?—A. Why, I did not do anything until after Mr. Neff came to see me and wanted to know if they could give me any

information. He wanted to know what information I had and spoke to me once or twice about that.

Q. What did you tell him?—A. I do not recall exactly what I told him. I told him I thought I had sufficient to warrant this investigation.

Q. Well, now, tell us just what information you had.—A. I have testified to that in my first hearing; I had not seen anyone before that.

Q. You had not seen anybody before that?—A. I beg your pardon; I do not mean to say that; that was some time after the resolution was introduced. I mean what information I had is practically embodied in that first testimony of mine on the stand.

Q. You testified that you directed Mr. Webster on the 13th of February to begin the preparation of the resolution of the investigation?—A. Well, my impression is that it was on the 12th, because I left here on the 12th, and it was just before I was going to the train, as I remember it.

Q. It was after the meeting of the Naval Committee, which met and decided on the naval programme, was it?—A. Yes, sir.

Q. It was following that?—A. It was within a couple of days.

Q. Had you given any consideration before that to the resolution of this investigation?—A. Yes, sir; I had it in my mind for a long time.

Q. How long?—A. I can not tell that. I certainly had it in my mind last summer when we were on the *Dolphin*.

Q. Had you conferred about it with your colleagues at that time?—A. I think not.

Q. Did you not talk about it on the trip on the *Dolphin*?—A. I do not know that I said I intended or was contemplating the introducing of a resolution; I do not know that I made—we were talking a good deal about the methods of the Electric Boat Company.

Q. Did you not at that time rather intimate to your colleagues that you would cause an investigation of the matter, as indicated by your resolution 264, and of the submarine methods, as indicated by your resolution 255?—A. I do not recollect that; I do not recollect having made a statement of that kind.

Q. But you did have some consideration of these matters on your trip at that time?—A. We talked about naval matters in June and another matter was talked about which I think was embodied in Mr. Hobson's resolution, and that was to consolidate the bureaus and try and bring more businesslike methods into practice in the navy-yards. There was a good deal of talk about it.

Q. What particular persons did you talk with on that trip concerning the advisability of your starting an investigation?—A. I do not recall talking to anybody on the advisability of my starting the investigation.

Q. Did you not talk to anyone concerning the advisability of starting an investigation?—A. I do not recall any conversation of that character.

Q. In what way do you connect in your mind your trip with the subject of the investigation?—A. Oh, the subject of the investigation has been talked of way, way back of that.

Q. By yourself?—A. No; I had it in mind, but I never have talked about it.

Q. What brought it into your mind?—A. The practices of these people.

Q. In what way have you observed their practices?—A. The way I have stated here.

Q. Nothing further than you have stated?—A. Nothing further than I have stated here.

Q. And these practices have determined you; when did you make up your mind when first to initiate an investigation?—A. I had not fully made up my mind when I told the secretary to draw those resolutions; had not fully made up my mind to introduce either one of them.

Q. You were considering it——A. For a long time.

Q. Did you talk with your secretary last fall?—A. I have no recollection of talking to him about it.

Q. Did you have it in your mind when you voted on the naval bill?—A. I did not have the investigation in my mind until since then.

Q. Did you not have it in your mind when you voted for submarine legislation a year ago?—A. No; I did not have in my mind to introduce a resolution.

Q. Or that an investigation should be had?—A. I did not have it in my mind; I do not think I did, not to the extent of introducing a resolution. I had in my mind that they were doing things that they ought not to do, and that the goods ought to stand on their merits.

Q. In what way did it come to you that they were doing things they ought not to do, so that the goods did not stand on their merits?—A. It came forcibly in my own instance, in my own case.

Q. In the Taylor occurrence?—A. Kellogg.

Q. Is that the one thing?—A. Oh, no; that is one instance.

Q. What else?—A. Rumors I had heard for years.

Q. Did you at that time connect Mr. Taylor with the Electric Boat Company?—A. Connect him?

Q. Yes.—A. He was one of the men that visited me in their interests.

Q. Did he state at that time to you that he was sent by the Electric Boat Company?—A. I do not think that he did, but I assumed that he was, either he or their agent, Mr. Kellogg.

Q. Did you seek to find out from him or Mr. Kellogg whether Mr. Taylor went there at the instigation of the Electric Boat Company?—A. No; I assumed it at once.

Q. What basis had you for the assumption?—A. I know that he was acquainted with them and sold them goods.

Q. And that was the basis of your assumption that he represented the company?—A. Yes, sir.

Q. And you did not inquire of either Mr. Kellogg or Mr. Taylor whether that assumption was warranted by the facts?—A. It did not occur to me for a moment it was not so; I believe it just as much as Mr. Kellogg was employed or sent to me by them.

Q. But you did not seek to find out whether that belief was correct or not?—A. I did not seek to find out whether Mr. Kellogg was hired by them or not.

Q. But you assumed, you said before us in your testimony, I think the first day, that the solicitation of a Member of Congress by a manufacturer who is expecting orders from an appropriation is a corrupt

and wrongful act——A. I will say that the party who sets him on is doing a wrongful act.

Q. On page 23 of our hearings you place a clipping from the Boston Herald, in which it is stated—page 23 of the original, probably it would be 33 there—in which it says, "In each case the constituent has been bribed to approach his Congressman in the matter by the promise of a profitable contract which was dependent upon the passage of the desired legislation. The evil of corruption was in the transaction as definitely as if the offer of the bribe had been made directly to the Congressman." Now, you charge that Mr. Taylor had been bribed to approach you, and that he had approached you, and that you did not seek to find out whether that assumption was true, whether he had been bribed or whether that approach to you was wrongful?—A. Those are your words, Mr. Stevens; they are not mine.

Q. Isn't that a fact?—A. I claim the wrongful part of it is with the company that set them on. I do not charge that it is corrupt or wrongful for a man to try to get business as Mr. Taylor was trying to do, and I do not know that I have charged that it is wrongful for an attorney to take employment, but I do charge that a party who does employ them, sets them on to the Members of Congress, is doing something wrongful.

Q. You say, then, that Mr. Taylor was all right, was doing a laudable act, seeking to influence you to vote for submarine legislation in which you did not believe?—A. I would say Mr. Taylor was after business; I do not care to make any further comment on that question.

Q. But that matter being concerned with which he had a contract with the Electric Boat Company was doing an unlawful, corrupt act, seeking to have him approach you?—A. I think it is a wrongful practice.

Q. It was a wrongful practice for Mr. Taylor and a wrongful practice for the Electric Boat Company to go to Mr. Taylor, is that it?—A. I did not use that language; that is your language, Mr. Stevens.

Q. Let us find out where the wrongful practice exists. Mr. Taylor, you said, was not adopting a wrongful practice in talking to you.—A. I do not charge Mr. Taylor with having done anything wrongful in trying to obtain a large order for goods, but I do charge the party that set him on to a Member of Congress for that purpose is doing something that ought not to be permitted. If they have got goods to sell to the Government, I think they ought to sell them on their merits and at a reasonable price and with competition.

Q. Then let us find out who is wrong in this case. Mr. Taylor was all right in approaching you to seek you to vote for submarine legislation; that is your position?—A. I am not making any complaint against Mr. Taylor in approaching me.

Q. But that the Electric Boat Company was wrong; that their conduct was reprehensible in getting Mr. Taylor to approach you; is that your position?—A. That is my position; I think that is wrong.

Q. You had no knowledge or information about that time that Mr. Taylor was instigated by the Electric Boat Company, did you?—A. I did not doubt it for a minute.

Q. But what information had you as to that?—A. I had no information that they ever paid Mr. Kellogg any money; I have no information that they paid Mr. Gordon any, except what he testified to the other day.

Q. Mr. Kellogg testified that he was an attorney employed for a perfectly legitimate and proper work.—A. Mr. Taylor told me that there was business in it for him if he could get an order.

Q. Now, Mr. Taylor told you the same thing, did he not?—A. Mr. Taylor; yes, he told me.

Q. Now, you assumed, without seeking to find out, that your friend Mr. Taylor was cooperating with the reprehensible and wrongful act?—A. I think he was tied up with the boat crowd.

Q. Did you seek to find out whether that assumption was well founded—whether your friend Mr. Taylor was cooperating to consummate a wrongful and reprehensible act?—A. I knew it as well as I knew the sun shines, in my mind at the time.

Q. What was the basis of your knowledge?—A. The mere fact of his coming to me.

Q. Was that all the knowledge you had?—A. Yes; and stating that he would get business from these people if I voted for it.

Q. That is all the knowledge you had?—A. Yes; that is all.

Q. So far as the rest is concerned, that was assumption, was it?—A. Yes.

Q. Now, is there any difference in Mr. Taylor coming to you and seeking a contract as instigated by the Electric Boat Company or you soliciting the Naval Department to award a contract to the Lake Boat Company?—A. I believe that it is perfectly proper to solicit the Navy Department to award a contract to a company where they are not taking any chances and where the contract must be better than anything of the kind afloat, and where the contract price is less, and those things were all embodied in that contract. They had to build a better article at less money at their own risk, and the Department is not tied up or held in any way, or any money advanced.

Q. Now, in what way had you been informed of those facts you just stated when you sent that telegram from Waterbury, using the word "solicited?"—A. I had not been informed of the facts at all, but was very glad to know that the Department by that ruling had been placed in a position where competition was thrown open to them and where they had a chance to get value received for their money.

Q. But without knowing anything about the facts of what you were asking for, without becoming advised as to whether this was for the benefit of the public, you sent that telegram soliciting the contract for the Lake Torpedo Boat, did you not?—A. At a glance, Mr. Stevens, any business man could see that that decision was bound to result in the saving of a large sum of money——

Q. I have asked you, you sent that telegram without any information at all as to whether these facts you have just stated were well founded?—A. I knew if there was no competition that the Navy Department would be at the mercy of one company, whereas if it was thrown open to two bidders that necessarily the Department would be in a position to drive a shrewd bargain, and get value received.

Q. But you knew from your previous testimony that the Navy Department did not know enough to drive a sharp bargain, did you not?—A. Well, they did in this Lake contract, because it is between $200 and $300 a ton less than the others.

Q. So that there was a great deal more wisdom in the same officers between the time they made the Electric Boat contract and the time

they made the Lake contract?—A. They have more wisdom along certain lines, I think; I have fully stated that the other day.

Q. So you are not willing to withdraw that statement that the Navy officers are incompetent and ignorant about their business?—A. That is your statement, Mr. Stevens; I have never made it.

Q. Now, Mr. Lilley, when you sent that telegram did you know and consider anything about the relative merits of these two concerns, at that time that you sent that telegram?—A. The relative merits?

Q. Yes. Did you not have in mind the same as nearly every other Member of Congress has in mind that you wanted your constituents to have a chance and let them fight out the merits before the Department?—A. I wanted open competition before the Department, and open competition for every company building boats.

Q. You knew at that time that the Lake Torpedo Boat Company claimed to be your constituents?—A. Yes, sir.

Q. And you were seeking to do what you could in their interests in a proper way, as you have said?—A. They were seeking me to do what I could for their interests, but I had never gone out of the way specially, except in the way of sending a telegram and writing a letter. I know they wanted me to come down here the time the delegation met from Bridgeport, and I was not interested enough to come.

Q. You sent the telegram in which you used the language that you solicited the Secretary of the Navy to incline favorably to your constituents?—A. That is not exactly the way the telegram read, I do not think. I know that I was in a great hurry at the time the telegram was sent.

Q. I think I am using the language of your telegram, you undoubtedly used the word "solicited." You did send a telegram in which you used the words "solicited the action of the Secretary of the Navy."—A. I would like the exact words, if I am to answer the question. I am willing to say I sent a telegram in which I solicited for a constituent.

Q. Did you consider that wrongful at the time?—A. I considered it the greatest possible good to the Department itself to get that appropriation open to competition.

Q. But you cited it to be reprehensible and wrongful for another concern which applies to do the same thing on their part that you are doing?—A. Well, it is not the same thing, Mr. Stevens. I have never known the Lake Company to attempt to shut out competition or to attempt to get Congress to appropriate for an excessive number of submarines.

Q. Now, let us find out about the basis of that. Did Mr. Taylor ask you to vote for an excessive number of submarines?—A. Well, he was——

Q. Did he or not ask you?—A. He thought my vote of $1,000,000 was not as large as it ought to have been.

Q. Did he make that estimate in his talk with you upon the fact of business to him or the need of the country?—A. Mr. Taylor?

Q. Yes.—A. I do not think that the needs of the country were mentioned to me by him.

Q. So that he did not take that into consideraton in his talk with you?—A. I do not know what Mr. Taylor took into consideration. He did not mention that to me.

Q. Did not mention it?—A. Not that I recollect.

Q. So that in his talk with you, in which he solicited you to vote for a large number of submarines so that he could get some business out of it was all right, and you soliciting the Navy Department to get a contract for your constituent was all right?—A. There is a vast difference between the two parts of that question.

Q. Let us finish the question. His soliciting you to vote for submarines without mentioning whether it was for the benefit of the country is all right; there is no objection to be made.—A. I do not say that, Mr. Stevens; I say that I am not making any complaint against Mr. Taylor.

Q. Let us find out; do you state that his action was wrongful?—A. No; I do not complain of his action.

Q. If it was not wrongful it was right. You can not deny that.—A. I have said it was not wrongful; I did not consider it wrongful for him to try to do business.

Q. If it was not wrongful it must have been right; there is no halfway business. Now, if it was not wrongful for him to solicit business with you, and if it was not wrongful for you to solicit business for the Lake Company, in what way was it wrongful for the Electric Boat Company to solicit business along the same line?—A. They were not along the same line, and it would have been wrongful for me to have solicited business for the Lake Company if they had not been building as good or a better article at the same or less price. But I could see at once, and so wrote the Secretary, that if this matter could be thrown open to competition it meant a very large saving to the Government.

Q. Then the basis for your judgment as to the wrongful action is the difference of opinion between what you consider the Lake Company effort and the Electric Boat Company effort?—A. I do not know; I can not state the other people's opinion; I can only state my own.

Q. Now, in what way was there competition? In what way had you in mind that there should be competition in awarding that contract to the Lake Company?—A. The Government got a better boat for less money.

Q. And where did the competition come in?—A. The element of competition was there because they paid very much less money—I think over $200 a ton less.

Q. That is a matter of opinion that you and I can not settle; the other people claim it is a good deal more expensive, and we can not settle that; but, however, isn't it a matter of opinion as to whether or not one presented a proposition better than the other?—A. I do not think so; it is right in the contract.

Q. You think what one did was entirely rightful and laudable so far as the Government was concerned, and the other is wrongful and corrupt; that is your position, is it not?—A. I think the Electric Company have indulged in wrongful practices; I am not talking about this particular contract.

Q. That is what I am talking about.—A. I think they got excessive prices, but I am not saying they are blameworthy for getting all they can.

Q. Now, I ask you a particular question. You assert that your telegram to the Secretary was a laudable and proper thing, and you

they made the Lake contract?—A. They have more wisdom along certain lines, I think; I have fully stated that the other day.

Q. So you are not willing to withdraw that statement that the Navy officers are incompetent and ignorant about their business?—A. That is your statement, Mr. Stevens; I have never made it.

Q. Now, Mr. Lilley, when you sent that telegram did you know and consider anything about the relative merits of these two concerns, at that time that you sent that telegram?—A. The relative merits?

Q. Yes. Did you not have in mind the same as nearly every other Member of Congress has in mind that you wanted your constituents to have a chance and let them fight out the merits before the Department?—A. I wanted open competition before the Department, and open competition for every company building boats.

Q. You knew at that time that the Lake Torpedo Boat Company claimed to be your constituents?—A. Yes, sir.

Q. And you were seeking to do what you could in their interests in a proper way, as you have said?—A. They were seeking me to do what I could for their interests, but I had never gone out of the way specially, except in the way of sending a telegram and writing a letter. I know they wanted me to come down here the time the delegation met from Bridgeport, and I was not interested enough to come.

Q. You sent the telegram in which you used the language that you solicited the Secretary of the Navy to incline favorably to your constituents?—A. That is not exactly the way the telegram read, I do not think. I know that I was in a great hurry at the time the telegram was sent.

Q. I think I am using the language of your telegram, you undoubtedly used the word "solicited." You did send a telegram in which you used the words "solicited the action of the Secretary of the Navy."—A. I would like the exact words, if I am to answer the question. I am willing to say I sent a telegram in which I solicited for a constituent.

Q. Did you consider that wrongful at the time?—A. I considered it the greatest possible good to the Department itself to get that appropriation open to competition.

Q. But you cited it to be reprehensible and wrongful for another concern which applies to do the same thing on their part that you are doing?—A. Well, it is not the same thing, Mr. Stevens. I have never known the Lake Company to attempt to shut out competition or to attempt to get Congress to appropriate for an excessive number of submarines.

Q. Now, let us find out about the basis of that. Did Mr. Taylor ask you to vote for an excessive number of submarines?—A. Well, he was——

Q. Did he or not ask you?—A. He thought my vote of $1,000,000 was not as large as it ought to have been.

Q. Did he make that estimate in his talk with you upon the fact of business to him or the need of the country?—A. Mr. Taylor?

Q. Yes.—A. I do not think that the needs of the country were mentioned to me by him.

Q. So that he did not take that into consideraton in his talk with you?—A. I do not know what Mr. Taylor took into consideration. He did not mention that to me.

Q. Did not mention it?—A. Not that I recollect.

Q. So that in his talk with you, in which he solicited you to vote for a large number of submarines so that he could get some business out of it was all right, and you soliciting the Navy Department to get a contract for your constituent was all right?—A. There is a vast difference between the two parts of that question.

Q. Let us finish the question. His soliciting you to vote for submarines without mentioning whether it was for the benefit of the country is all right; there is no objection to be made.—A. I do not say that, Mr. Stevens; I say that I am not making any complaint against Mr. Taylor.

Q. Let us find out; do you state that his action was wrongful?—A. No; I do not complain of his action.

Q. If it was not wrongful it was right. You can not deny that.—A. I have said it was not wrongful; I did not consider it wrongful for him to try to do business.

Q. If it was not wrongful it must have been right; there is no halfway business. Now, if it was not wrongful for him to solicit business with you, and if it was not wrongful for you to solicit business for the Lake Company, in what way was it wrongful for the Electric Boat Company to solicit business along the same line?—A. They were not along the same line, and it would have been wrongful for me to have solicited business for the Lake Company if they had not been building as good or a better article at the same or less price. But I could see at once, and so wrote the Secretary, that if this matter could be thrown open to competition it meant a very large saving to the Government.

Q. Then the basis for your judgment as to the wrongful action is the difference of opinion between what you consider the Lake Company effort and the Electric Boat Company effort?—A. I do not know; I can not state the other people's opinion; I can only state my own.

Q. Now, in what way was there competition? In what way had you in mind that there should be competition in awarding that contract to the Lake Company?—A. The Government got a better boat for less money.

Q. And where did the competition come in?—A. The element of competition was there because they paid very much less money—I think over $200 a ton less.

Q. That is a matter of opinion that you and I can not settle; the other people claim it is a good deal more expensive, and we can not settle that; but, however, isn't it a matter of opinion as to whether or not one presented a proposition better than the other?—A. I do not think so; it is right in the contract.

Q. You think what one did was entirely rightful and laudable so far as the Government was concerned, and the other is wrongful and corrupt; that is your position, is it not?—A. I think the Electric Company have indulged in wrongful practices; I am not talking about this particular contract.

Q. That is what I am talking about.—A. I think they got excessive prices, but I am not saying they are blameworthy for getting all they can.

Q. Now, I ask you a particular question. You assert that your telegram to the Secretary was a laudable and proper thing, and you

assert that Mr. Taylor's efforts with you were not wrongful, but naturally proper and right, but with the Electric Boat Company in adopting methods so far as it now appears not different from those that have been adopted by you are reprehensible and wrongful in their company?—A. There is no similarity in the methods employed by the Electric Boat Company and Mr. Taylor's proposition; there is no similarity.

Q. You consider, then, that Mr. Taylor's asking you to vote for submarines without any limit or without any consideration as to the necessity of the Government, was all right?—A. I am making no complaint against Mr. Taylor.

Q. You asserted that it is not wrongful?—A. Yes, sir.

Q. And that your soliciting the Secretary of the Navy to award a contract to the Lake Company was all right and not wrongful?—A. Yes, sir.

Q. But that where the Electric Company seeks to do the same thing it is wrongful?—A. They seek to do the same thing by different methods. They seek to cut our competition, and they seek to get a very large excess profit on their goods, and they seek to influence Members of Congress in the ways in which I have stated. Now, I do not know how that compares with the comparisons you are trying to draw.

The CHAIRMAN. Before taking a recess I will call this gentleman here.

TESTIMONY OF CHARLES D. CAMERON.

CHARLES D. CAMERON, being first duly sworn, upon being examined, testified as follows:

The CHAIRMAN. Will you give to the reporter your full name, residence, and occupation?

A. Charles D. Cameron.

Mr. LILLEY. This is not the man.

The CHAIRMAN. That is what we want to find out; you said it was. You testified here Mr. Cameron, of the Detroit Journal, both you and Mr. Webster. This is Mr. Cameron, of the Detroit Journal.

Mr. LILLEY. I beg your pardon; I said I thought he said his name was Cameron.

The CHAIRMAN. That is what his name is, Cameron.

Mr. LILLEY. I am mistaken, then, in the name. No, this is not the man; the man that I referred to was sitting over there early in the session.

The CHAIRMAN. We want to get it into the record that he is not the man.

Mr. LILLEY. I want it distinctly understood that I have not testified that I knew the man's name.

Mr. WEBSTER. I have not testified to that, either.

The CHAIRMAN. Mr. Webster, your secretary, and you have both used the name of Mr. Cameron, of the Detroit Journal.

Mr. LILLEY. I said, Mr. Chairman, I thought that was the man's name, but I see now that this is not the man. There is another reporter who reports for the Michigan papers that sat here in this room in the early part of the session, and I thought his name was Cameron. Now, I simply got the men mixed, unless this man's name is Cameron.

The CHAIRMAN. There is no further testimony necessary from you.
Mr. LILLEY. May I have the testimony read.
The CHAIRMAN. Just be patient.

By the CHAIRMAN:

Q. You have given your full name?—A. Residence, Detroit, Mich.; that is my residence; I am now living in Washington.
Q. Do you know Mr. Webster, Mr. Lilley's secretary?—A. I do not.
Q. Were you ever in Mr. Lilley's room in this building?—A. No; never.

By Mr. STEVENS:

Q. What paper do you represent?—A. The Detroit Journal.
Q. What other men are connected with the Detroit Journal reporting around the Capitol in Washington?—A. There are no other representatives of the Detroit Journal here.
Q. Who represents the Detroit News?—A. Mr. George B. Miller.
Q. Who else?—A. Well, I think Mr. Miller is the only representative of the Detroit News, so far as I know.
Q. Who represents the Detroit Free Press?—A. Mr. Jesse Carmichael.
Q. Any other representative?—A. Not to my knowledge.
Q. What other Detroit papers have representatives here?—A. The Detroit Times was represented by Mr. Frank Hosford, who has recently died, and I do not know whether they have any representative now or not.
Q. Any other Detroit papers have representatives that you can think of here?—A. Not that I know of.
Q. So, outside of yourself, the other only two representatives of Detroit papers in Washington are Mr. George Miller, of the News, and Mr. Jesse Carmichael, of the Free Press?—A. Yes; that is, to the best of my knowledge.
Mr. LILLEY. May I put in a question?
The CHAIRMAN. Certainly.
Q. Who was the representative of one of the Detroit papers that sat over there near that table early in this investigation?—A. I have seen Mr. Miller at that table, and I have also seen Mr. Wells Harvey. He represents the Grand Rapids Press, and has offices with Mr. Miller, and those are the only two gentlemen.

TESTIMONY OF HON. GEORGE L. LILLEY—Recalled.

By the CHAIRMAN:

Q. Do you recall whether the man who sat at that table earlier in the sessions, whether the small man with a grayish mustache, was the same man who stated this at your office?—A. I do not think he had a gray mustache. The man sat there at that table, a good-looking young man, not a very large man, and I think it is Mr. Miller, but I can not be positive about it.
Q. That is the same man you referred to?—A. Yes, sir.
The CHAIRMAN. The chairman would state that this is simply another of these illustrations of the confusion of which you spoke, Mr. Lilley, which may arise. Mr. Cameron, of the Detroit Journal, was mentioned in Mr. Webster's testimony yesterday and by you this

morning. It now transpires that it was not Mr. Cameron, whose name has been so unfortunately dragged into this affair.

We greatly regret that your name was dragged into the matter.

Mr. CAMERON. I appreciate it.

Mr. LILLEY: Mr. Webster got his information from me. The young man was simply coming into my office for news, and I do not see how it was dragged in.

Mr. OLMSTED: It was testified yesterday Mr. Cameron came into your office nearly every day and hung up his coat.

Mr. LILLEY. I would like you to point out to me such testimony. I have not heard any testimony which said that Mr. Cameron came in there more than twice, although I think he did——

The CHAIRMAN. The testimony of Mr. Webster was that he was a frequent visitor. However, the man you have in mind doubtless was there, but it was not Mr. Cameron, of the Detroit News, whose name was very unfortunately brought into the matter.

Mr. LILLEY. I was not sure of the name and so testified.

The CHAIRMAN. I do not suppose it is the function of this committee to give any suggestions to witnesses, but it certainly does suggest that very grave care should be exercised in bringing in the name of any one in connection with this matter.

Mr. LILLEY. I did not ask to have Mr. Cameron brought here. I would have looked it up if you would have consulted with me.

The CHAIRMAN. The committee will now take a recess until 2 o'clock.

(Thereupon the committee took a recess until 2 o'clock p. m.)

AFTER RECESS.

The committee met at 2 o'clock, pursuant to the taking of recess. All the members of the committee were present.

TESTIMONY OF HON. GEORGE L. LILLEY—Continued.

By Mr. STEVENS:

Q. Now, Mr. Lilley, you have told us about the employment of Mr. Kellogg and Mr. Gordon by the Electric Boat Company. Now, what other attorneys have they employed in the districts of the various Members of Congress?—A. I do not know.

Q. What did you know at the time you were preparing this resolution of investigation?—A. I knew that they employed these two in these two districts and had heard of a large number of others. I do not think we have had, by any means, the full number of attorneys.

Q. What information did you have at that time relative to this large number of attorneys?—A. I think that I had heard of Mr. Gregg, of Texas, and the Butlers.

Q. That is to say, you had heard that there was an attorney living within the district of Mr. Gregg, of Texas, at that time?—A. In the State of Texas, but not in Mr. Gregg's district.

Q. What did you know at that time?—A. That is all I knew.

Q. You heard that there was an attorney living in Mr. Gregg's district; is that it? Let us find out just exactly what you knew at the time you prepared this resolution and made this charge about employing attorneys.—A. I have stated all that in my first examination.

Q. Let us find out. Sometimes recollection improves. What did you know about that at that time concerning the employment of attorneys in Texas?—A. That is all I knew, what I stated in my first examination.

Q. If it subsequently appears that he does not live in Mr. Gregg's district or does not know Mr. Gregg, your information as to that would be incorrect?—A. I do not think it has been made clear yet what Mr. Gregg's job is.

Q. Then you charge now, do you——A. I do not mean Mr. Gregg; I beg pardon; I mean Mr. Cowhert.

Q. Have you heard Mr. Gregg's testimony?—A. Yes. I did not mean to mention Mr. Gregg's name; I meant Mr. Cowhert. I am satisfied to take Mr. Gregg's testimony.

Q. And you know of nothing that would change Mr. Gregg's testimony?—A. No, sir; I do not.

Q. So that would dispose of the Texas attorney so far as undue influence on legislation is concerned?—A. I know of nothing else.

Q. Now you charge that Marion Butler was retained on account of his influence with the North Carolina member of the Naval Committee, do you?—A. No; I have not charged that.

Q. You named Senator Butler as one of the attorneys who lives in the various States to exercise an influence—an undue and corrupt influence—over the Members of those States?—A. I do not say that he has exercised an undue and corrupt influence over a Member of North Carolina. I do not specifically mention Marion Butler as corrupting anybody in South Carolina.

Q. Or North Carolina?—A. North Carolina.

Q. You said, "I also ascertained that this company had made a practice of employing attorneys in Congressional districts removed from its place of business." Now, by that you had reference to this Connecticut employment, this Michigan employment; that was another, was it?—A. Yes, sir.

Q. This Texas employment; that was another?—A. Only he appears not to be living in the district of the Member.

Q. Did you know that at the time?—A. No; I did not.

Q. From whom did you learn the name or the fact that there was an attorney living in Texas employed by this company?—A. I do not know when I learned, or who from.

Q. When did you learn it?—A. I can not state that.

Q. How long before you prepared this resolution of investigation?—A. I can not tell you how, or where, or when I got that information.

Q. Did you know the name?—A. I had heard the name.

Q. Where did you hear it?—A. I do not know; I can not give you any specific information.

Q. Do you not remember about when? Did you know it a year ago?—A. I can not give you any time.

Q. Was it talked about when you were on that *Dolphin* trip?—A. No; I have no recollection of it.

Q. So you learned it after that?—A. Very likely.

Q. Learned it this last winter?—A. I never heard the name of any man from Texas until this session of Congress, I think, but I can not tell you who told me.

Q. About when in the session did you learn it?—A. I can not tell you, but early.

Q. Early in the session?—A. I think so.

Q. After the naval bill was acted on in the committee?—A. I can not tell you, Mr. Stevens, when I did learn it.

Q. Do you not remember whether it was before or after?—A. No, sir; I do not remember who told me.

Q. But you did know something about it when you prepared this resolution?—A. I knew there was a lawyer there that was employed by him.

Q. Did you ask Mr. Gregg about it?—A. No; I would not ask any member of the committee if he had a lawyer employed in his district.

Q. You did not seek to find out what the real facts were, then?—A. Not in anyone's State except my own.

Q. Did you seek to find out in your own State?—A. I did not have to seek.

Q. Did you ever ask Mr. Kellogg what was the nature of his employment?—A. I do not think that question came up; it was apparent.

Q. Was it so, as a matter of fact, you did not seek to find out except in one of these cases, exactly what were the facts about it?—A. No, sir; it was a matter of hearsay.

Q. Now, about when did Mr. Foss tell you about this Gordon matter?—A. I do not remember whether it was a year ago last summer or when it was on the *Dolphin*.

Q. On the *Dolphin* trip?—A. I can not place the time; it may have been as late as that, but my impression is that it was earlier.

Q. If it was earlier, it must have been during the last session of Congress.—A. During the last session of Congress.

Q. You did not meet him after the last session until after the *Dolphin* trip, did you?—A. No, sir.

Q. Have you not some recollection about the time—the occasion of such a conversation?—A. I haven't it any nearer than what I have stated.

Q. You were on very good terms with Mr. Loud, were you not?—A. Yes, sir.

Q. So that you felt rather an interest in him?—A. The same interest I feel in everyone.

Q. And you did not seek to verify whether it was true or not?—A. I would not speak to a Member of Congress on a thing of that kind.

Q. But you would charge against him in the public press that that was true?—A. I have not made any charge whatever against any Member of Congress.

Q. You would charge that that was a fact that there was an attorney employed in his district to corrupt him without trying to find out what was the fact?—A. I charged that the Electric Boat Company have employed a large number of attorneys, some of them in the districts of Members without any other apparent business.

Q. Now, the only knowledge, then, that you have about the fact of Gordon's being a candidate against Mr. Loud was a conversation with Mr. Foss which you can not identify as to time, place, or occasion?—A. It was either one of two places, or one of two times, either

last session of Congress in the committee room or on the *Dolphin*, but I can not place which.

Q. What else did Mr. Foss tell you about this matter at that time?—A. That was substantially all of the conversation.

Q. What information did he indicate he had at that time concerning this?—A. Well, I would prefer Mr. Foss should testify as to that.

Q. You can tell what he said to you.—A. I recall that he said that they had an attorney out in Mr. Loud's district that was a candidate for Congress about two years ago.

Q. He told you that; did he indicate how he learned it?—A. I would rather he would tell you that.

Q. Did he tell you how he learned it?—A. He did.

Q. How did he learn it?—A. From Mr. Loud.

Q. He said Mr. Loud told him?—A. Yes, sir.

Q. That is what we wanted to find out. Did he give the name at that time?—A. No, sir.

Q. What else was there in the conversation?—A. That is all there was concerning that topic—that subject—all that I recollect.

Q. Do you know Mr. Fred B. Whitney?—A. I do not. I was introduced to him one night hurriedly in the New Willard Hotel; I do not think I should know him if he came into the room.

Q. How long ago?—A. It has been about six weeks ago, just as I was passing.

Q. Do you know whether or not he was formerly clerk to the Naval Committee of the House and clerk to Mr. Foss?—A. I have heard that he was.

Q. And that he formerly lived in Mr. Foss's district?—A. That I do not know.

Q. You do not know anything about that?—A. No, sir.

Q. But you do know that he was formerly clerk to Mr. Foss and clerk to the Committee on Naval Affairs?—A. I have heard so.

Q. Did Mr. Whitney have any conversation with you concerning this matter?—A. Absolutely none. Never met him until afterwards; never had any conversation with him then; just casually introduced to him.

Q. You have testified, I think, that you did not meet Senator Thurston until after the resolution was introduced?—A. Yes, sir; except that I saw him over in the Department at the time the delegation were there.

Q. You did not speak on the subject of the investigation at that time?—A. No, sir; nor at any other time until after the resolution was introduced.

Q. How long after that, after the resolution was introduced, did you then speak to him?—A. I could not say exactly, but Mr. Neff asked me if I would not like to talk to Senator Thurston; it was before my counsel came here.

Q. Now, what was the first thing that Senator Thurston did for you?—A. Why, the first conversation that I had with Senator Thurston was in regard to, as I recall it, the brief I submitted to the Committee on Rules. I think that I talked that over with him.

Q. Senator Thurston states that he assisted in the preparation of that statement; is that correct?—A. I think he did assist.

Q. To what extent?—A. I told him the things that I knew, and we had a general discussion.

Q. To what extent—to what extent did he help to prepare that?—A. I think that he finally dictated it after we had talked the matter over for a time.

Q. Tell us what he said. I think Senator Thurston stated on page 1203 that he did prepare the statement for the Committee on Rules. On page 53, "I do not recollect having seen Senator Thurston prior to the appointment of this committee, but I won't be sure. I may have." Your recollection was a little cloudy on that point?—A. This committee was appointed later than I had in my mind. I thought that it was appointed soon after the resolution was introduced. What is my answer to that question? What is the page?

Q. It must be page 53, because I am reading from the old edition, page 53; in the middle of the page is the statement, "I do not recollect having seen Senator Thurston until after the appointment of this committee, but I won't be sure. I may have." And on the upper part of that same page is your statement: "Q. (By Mr. Olmsted.) Did he prepare or assist in preparing any of the statements you submitted to us?—A. The subject-matter of all the statements I have submitted to you has been my own. Mostly formulated in my own mind, after consulting with two eminent Members of the House of Representatives. Q. Did you consult with Senator Thurston about the form of them or anything about them?—A. No; not as to the form of them. Q. Or as to the substance?—A. Yes; I have had some conversation with Senator Thurston as to the——" So that your recollection was not quite accurate as to what occurred?—A. Well, that was talked over between myself and Mr. Brown, and Mr. Judson and two or three others and Senator Thurston, but he finally drew them up.

Q. Had Mr. Brown or Mr. Judson participated in preparing this statement for the Committee on Rules?—A. No, sir.

Q. But Senator Thurston did prepare that statement to submit to the Committee on Rules?—A. Yes, sir.

Q. And you did not quite remember it at this time?—A. Oh, no; he prepared all of this after consultation and after we had talked it over.

Q. Now, on page 50, in the middle of the page, that would be 60: "Q. Did he assist in preparing this statement which you submitted to the Committee on Rules?—A. To some extent." Do you recall that testimony?—A. That is correct.

Q. So that your statement to the committee at that time——A. I do not mean the final drawing up of the document, if that is what you mean; he did it.

Q. So that your testimony to the committee at that time was not entirely frank in showing us exactly the condition in which evidence was coming to us, was it?—A. I do not agree to that.

Q. You think that your statement at that time was entirely frank and fair to the committee?—A. I intended to have it.

Q. Did you do it?—A. I certainly intended to be frank and fair about it. I did not intend to give the impression at any time that I drew the document.

Q. Now, Mr. Lilley, what information did you have relative to the entertainment by the Electric Boat Company of Members of Congress at the time your resolution was under preparation?—A. Entertainment by the Electric Boat Company?

Q. Yes.—A. Hearsay, and rumors that have floated about Washington for years.

Q. Now, what did that hearsay consist of?—A. Well, I will give you just one little sample. A Member of the House said to me that he was in the café of the New Willard one evening with Mr. Frost and three or four other gentlemen, and they were all opening champagne, and he ordered the cigars, and the man came in and asked him what kind he wanted, and he said, "The same as the gentleman smokes here," pointing to Mr. Frost. I think he told me he had five, and the bill was something like $3.75, showing that the gentleman did entertain pretty lavishly when he entertained. Then, again, I heard a man say one day that he said something about buying the other a cigar down there, and he said, "You do not have to; here is Frost; he will buy them, and champagne, too, if you want it." Such things as those and just common rumors, that is all; I have not seen any entertainments myself.

Q. You have given us two things; do you know of any others?—A. Only I heard a member of our committee say that he thought they entertained too lavishly.

Q. Do you know, have you heard of any specific instances, other than those you have given us?—A. No, sir; I have not been invited.

Q. Have you known of any other specific instance, outside of these two instances, of buying cigars?—A. I do not know; I would not be in a position to know except what I hear.

Q. At the time that you introduced this resolution, then——A. I know about the reputed amount of money that was spent in 1900 and 1902.

Q. I am asking you now about what you knew at the time you introduced this resolution about this entertainment, and you have given us two rumors. What other rumors did you have at that time concerning the recent expenditure of money for entertainment?—A. I have told you of a Member of the House who said that he thought that he entertained too lavishly.

Q. Did he give any instance?—A. No.

Q. Did he give you any other occasions where he had participated?—A. No.

Q. Who was he?—A. Mr. Thomas.

Q. When did he tell you that?—A. I can not tell.

Q. When did he tell you that?—A. I can not tell; some time ago. I can not tell you just when.

Q. About how long ago?—A. Perhaps a couple of months.

Q. That was just prior to the committee acting on the naval bill, was it?—A. I could not say just when it was.

Q. But it was about that time?—A. Along about that time.

Q. And this was the information which influenced you to make that charge against the Electric Boat Company, was it?—A. Rumors that I have heard; I do not recall all that I have heard about entertainments of the Electric Boat Company.

Q. You make a serious charge——A. He admits himself that he spent $1,800 here entertaining. That is quite a lot of entertainment while the naval bill is in process.

Q. You will state whether that is the basis of the charge that you made.—A. I am satisfied it is a great deal more than that; that is,

I can not prove that it has been, but I am satisfied that a good deal of money has been spent.

Q. What satisfies you?—A. I have no proof.

Q. What facts do you know outside of those two you allege?—A. I have just formed that opinion in my own mind.

Q. In your own mind?—A. In my own mind.

Q. In the charge you make about the Electric Boat Company maintaining an extraordinary number of attorneys in furthering its purpose to secure its appropriation for submarines, you have gone over that fully, have you, in the testimony?—A. Yes, sir.

Q. And there is nothing additional that you can add to that?—A. I do not know that there is.

Q. You have named two Senator Butlers, one retained several years ago and the other retained recently; you have named Mr. McNeir, and are there any other attorneys in Washington now engaged and in the employment of the company?—A. Well, I have not named Senator Thurston, a man by the name of Brown, and Creecy; they were formerly employed.

Q. You do not charge that Senator Thurston and Mr. Creecy being formerly employed constitutes a basis for corruption and influence now, do you?—A. No, sir.

Q. And those are all the attorneys you knew about when you introduced this resolution?—A. That is all I knew about; yes, sir; but I assumed that there were a large number of others.

Q. What basis had you for such assumption?—A. The fact that they were in my district, I assumed that they were in other people's districts.

Q. Did you inquire any more than you have indicated?—A. No, sir.

Q. And you have already testified fully about the fact that under the guise of the employment of certain newspaper representatives for insignificant services considerable sums of money have been paid them by the Electric Boat Company, presumably for the purpose of securing their aid and assistance in coloring their newspaper reports in favor of the said Electric Boat Company. Have you any additional information on that charge, other than what you have already shown in the employment of Messrs. Lord and Erly?—A. Archibald.

Q. And you used that as the basis for this charge?—A. Yes, sir.

Q. When you made that charge, did you seek to find out what the fact was?—A. Oh, no; I did not constitute myself an investigating committee to go around and find out what the facts were. I simply introduced that resolution in order that the facts might be brought out.

Q. In what way did you learn that these two men had been in the service of the Electric Company?—A. By common rumor.

Q. Could you locate it a little more conclusively?—A. No; I do not think I can; somebody told me that, but I do not just recall who it was.

Q. When did you learn it?—A. I do not remember when I first heard of it, but the first time I knew that somebody must be employed there was when literature began to come around, not this year, but years before.

Q. You suspected then that some corrupting or reprehensible influences were being exerted?—A. I do not put it in just that lan-

guage. I knew that they must have somebody employed to get out this literature.

Q. You charge that this company exerted a corrupting and reprehensible influence through subsidizing other newspaper men. We want to find out what you knew and what was the basis for those charges?—A. Nothing more.

Q. So that the action of those men, so far as you know, was considered reprehensible by you?—A. I do not say that the action of those men; it was one of the charges that I made against the Electric Boat Company.

Q. Well, from what you now know, you considered those men did a wrongful thing on behalf of the Electric Boat Company by the work they did?—A. I do not care to express an opinion as to those men; that is one of the things the Electric Boat Company was doing to influence legislation.

Q. You charge that as wrongful?—A. That is one of the things; yes.

Q. I would ask you, then, what you consider this, then—this is the testimony before this committee: J. C. Lake testified under oath that $600 was paid to the Army and Navy Journal and a sum not to exceed $200 was paid to have an article in the Washington Post at the time Congress was in session. Do you consider that a wrongful act?—A. I do not know what it was for; I do not know who paid it or for what purpose.

Q. The Lake Torpedo Boat Company had articles printed in those newspapers, so the testimony shows, favoring their boats. Do you consider that, in view of the charge that you have made, a reprehensible act, a corrupt act, seeking to unduly influence Congress?—A. I do not care to express an opinion on that.

Q. You are willing to express an opinion as to the action of Mr. Lord and Mr. Erly, but you are not willing to express an opinion as to the work that Mr. Lake had done.—A. I have not seen the articles. If it was the same kind of articles and work, I would, of course, put them in the same class; I have no hesitancy in saying that.

Q. You do not care to express an opinion?—A. Not without seeing the articles. If they were the same nature, I would say that they were equally culpable.

Q. Did you see the articles of Messrs. Lord and Erly?—A. I saw the articles from time to time; I do not know who wrote them.

Q. You do not know whether they were articles prepared by Messrs. Lord and Erly?—A. No, sir.

Q. So up to the time this resolution was introduced, you do not know what articles Messrs. Lord and Erly prepared for the Electric Boat Company?—A. No other articles; no.

Q. You did not know anything about that? What articles did you see that you considered reprehensible?—A. I can not specify the articles; I simply had received a good many at different times, documents. I simply knew they had a press bureau, or supposed that they had; believed that they had.

Q. They were of a corrupting nature, were they?—A. I do not say that they were of a corrupting nature.

Q. But you assumed that they unduly influenced Congress?—A. It is one of the many methods that would influence or might tend to influence legislation.

Q. But you thought that was reprehensible, so that you made the charge based upon that knowledge?—A. That is one of the charges; yes, sir.

Q. And the facts that you have given us are the basis for that charge? Is that so?—A. Yes, sir.

Q. You state "I also became advised of prevailing and persistent rumors that the Electric Boat Company had contributed in some Congressional districts represented by members of the Naval Committee to their campaign funds." Now, where did you hear anything about that?—A. I can not tell you, it was simply rumor.

Q. What kind of rumors did you hear and in what way did they come to you?—A. I can not tell you.

Q. Can you not tell when you received letters or some newspaper articles or some conversations?—A. Just common rumor.

Q. In what way did common rumor reach you so that you could be advised of it?—A. There is only one way, the things you hear.

Q. Hear how?—A. In talking with different people.

Q. Can't you recollect anything?—A. I can't give you anything specific.

Q. On page 18, another statement: "And that it has contributed in at least one instance to the campaign fund of the opposing party in the Congressional district represented by a member of the Naval Committee." What did you know about that?—A. That was from common rumor at the time; Judge Dayton was a member of the Naval Committee.

Q. Did it concern his candidacy for Congress at the time?—A. Yes, sir.

Q. That was in the Fifty-sixth Congress?—A. I do not know what Congress; he was in the Fifty-eighth Congress.

Q. Yes; the Fifty-seventh, and Fifty-sixth, and Fifty-fifth, and Fifty-fourth.—A. Yes.

Q. What did you know about that?—A. Just rumor; just things that I had heard.

Q. Whom did you hear it from?—A. I could not tell you.

Q. It was just rumor?—A. I have heard from him that he believed that they did it.

Q. Did he tell you the nature of his belief?—A. No, sir.

Q. Can you not indicate the facts that were the basis of his belief?—A. I know that I heard it talked about here some years ago.

Q. Who talked about it?—A. I can not tell you more than he himself has said that he believed it.

Q. And he told you nothing about the basis of his belief?—A. He did not.

Q. And that is the foundation for this charge?—A. Yes, sir.

Mr. OLMSTED. I have a few questions, Mr. Lilley, I would like to ask you. You testified yesterday with reference to a letter written by your secretary, Mr. Webster, in which he signed the name of "Smith," addressed to Mr. Edinborough.

The WITNESS. Yes, sir.

By Mr. OLMSTED:

Q. I think you said you had that letter?—A. No; I did not say that I had it. I said that I had seen it.

Q. Where did you see it?—A. In my room.

Q. At the New Willard?—A. Yes, sir.

Q. Who showed it to you?—A. He did; he handed it to me.
Q. Did you read it?—A. I did.
Q. I think the substance was testified to by Mr. Webster yesterday.—A. Yes, sir.
Q. Is that what you remember?—A. Yes, sir.
Q. What became of the letter?—A. When he handed it to me he wanted to know if I knew this party, C. W. Smith, I think it is; it was Smith anyhow, 334, if I remember, Indiana avenue, and upon reading it I recognized the handwriting at once and told him that I thought I could locate the party.
Q. Did you tell him who it was?—A. No, sir.
Q. Did you take the letter?—A. It was left on the table.
Q. In your room?—A. Yes.
Q. What became of it?—A. It was put in the wastebasket.
Q. Then you destroyed it or caused its disappearance, so that it is not to be found now?—A. Yes, sir; it is destroyed.
Q. When did you speak to Mr. Webster about it?—A. I do not just recall, probably within a very short time.
Q. I think he said last Sunday.—A. Well, he said last Sunday was the time he talked with me about it, and I asked him if he wrote it before that.
Q. How did you come to be talking about it again last Sunday?—A. The matter came up.
Q. In what way?—A. It was in reference to this other letter, I think.
Q. What other letter?—A. The anonymous communications.
Q. How did it come up in connection with that?—A. I do not remember, and I do not remember positively that it was in connection with that, but it came up.
Q. Did Mr. Edinborough show you also an anonymous document which has been offered in evidence here?—A. He did not, but he had it.
Q. How do you know he had it?—A. He told me he had.
Q. Told you so at that time?—A. Yes. I had opportunity to see it if I wanted to; I expect he told me he had it.
Q. Why did not you look at it?—A. It was not anything concerning me.
Q. How could you tell?—A. I knew I had not written any.
Q. You looked at the Smith letter?—A. Yes, sir. He brought that out and asked if I knew such a party, and told me where they lived.
Q. You are very positive he did show you the Smith letter?—A. I know he did.
Q. You heard his testimony here?—A. Yes, sir; I heard his testimony; I was sitting right here.
Q. Do you remember he distinctly and positively swore that he had received no communication or no documents whatever from Washington except that anonymous communication on the New Willard blank?—A. I heard the testimony.
Q. You heard him testify that he had not received any answer?—A. Yes, sir.
Q. Here is what he said. He is now talking of that letter on the New Willard blank—on the Postal Telegraph blank, I mean. He was asked: "You have no idea from whom that came?—A. I have no

knowledge whatever, sir; I only received that one memoranda or note, and that was unsigned. Q. Now, have you received any other communications of any kind from Washington bearing on this investigation or this boat question at all?—A. No, sir." He did say that he had had three or four newspaper clippings that had been sent to him anonymously, but nothing else. That is on page 709. "Have you had any letters from anyone in Washington, or any documents except this one on this subject," and so forth. He answered, "No, sir; except maybe three or four newspaper clippings; maybe four or five." Now, having answered three or four times that he had received no such documents whatever, you are still very positive he had showed it to you that morning or the evening before?—A. He handed this to me and asked me if I knew such a party.

Q. Then his testimony here was not true?—A. I am not testifying for Mr. Edinborough.

Q. The statement which he made then was not correct?—A. He evidently had overlooked that or forgotten it. I remember that he was pretty badly rattled at the time that he testified, or embarrassed.

Q. Perhaps this gives an explanation of why he was rattled. He had received a communication signed by Smith. You had told him that you thought you could tell from whom it came the night before, and that you had told him, and he comes up here and says he has not received any.—A. He asked me if I knew such a party; I told him I thought I could locate him.

Q. Perhaps it is no wonder he was rattled when he was trying to tell us that he had received nothing of the kind.—A. He evidently overlooked it.

Q. He was asked three separate times whether he had received any communication or document from Washington; three separate times he swore he did not receive anything except the anonymous communication on the telegraph blank. Now, on the subject of attorneys, in other people's districts, Mr. Lilley, you certainly do not think it any worse for one boat company to have attorneys than for another, do you?—A. I do not think it is proper to have any in people's districts. I mean for any other purpose than those they are actually needed for.

Q. But the Lake Torpedo Boat Company has attorneys in your district, hasn't it?—A. I expect it has, although I never came in contact with them until quite recently.

Q. Mr. Kellogg is in your district; he is the other company?—A. Yes.

Q. Both boat companies seem to have counsel in your district?—A. He is in my town.

Q. Foster and Beers are in that district?—A. They are not in the district in which I live; they are in my district in the sense that I represent the entire State at large.

Q. They live in the State?—A. They live in the State.

Q. You are a member of the Naval Committee?—A. Yes. But they never have said anything to me.

Q. Whether they have or not, do you think that this committee ought to assume, or anybody ought to assume, that because the Lake Torpedo Boat Company has attorneys in the district which you represent that therefore these attorneys were employed to influence you?—A. I know they were employed to influence me.

Q. Foster and Beers? I am talking about Foster and Beers.—A. I do not know anything about Foster and Beers.

Q. I am asking you whether you want this committee or anybody else to assume that because Foster and Beers, attorneys, live in that district, that they have been employed by the Lake Torpedo Submarine Boat Company—can we reasonably assume that they were employed to corrupt you?—A. The headquarters of the Lake Boat Company are at Bridgeport.

Q. It has no plant there.—A. They built a boat there.

Q. When?—A. I do not know.

Q. Not since you have been a Member of Congress?—A. It may have been since then; I do not know.

Q. It is a New Jersey corporation, and it has no plant in your district.—A. They built a boat at Bridgeport, I know. I do not know what year.

Q. It does not take attorneys to build a boat?—A. It is their home, possibly; it is where they live; that is where the company is owned; it is a New Jersey corporation, and owned by Bridgeport people, as I understand it.

Q. Now, these same attorneys are in another Congressman's district, are they not?—A. In Mr. Hill's district.

Q. Would you suggest that there is any reason why we should assume that they were employed to corrupt Mr. Hill or influence Mr. Hill?—A. I have not made any such statement.

Q. Would it be fair to assume that?—A. It is natural to suppose that in the town where the company is owned and they are doing business that they would have their attorneys there.

Q. It would not be fair for us to make any such assumption, would it?—A. No, sir.

Q. Do you think that we ought to assume anything from the fact that the Lake Torpedo Boat Company employed Mr. Whitney as attorney in Illinois, Mr. Foss's district?—A. I did not know that Mr. Foss was an attorney.

Q. A member of the Supreme Court bar of the United States?—A. I did not know a word of it.

Q. You know that they have had an agent here from the district of another member of the Naval Committee, did you not?—A. Senator Thurston.

Q. No; I did not say an attorney; I say an agent.—A. Yes, sir.

Q. Could we assume anything more from that fact that one torpedo boat company has attorneys in different parts of the State than we ought to assume when another has?—A. It depends upon what they are hired for.

Q. I am talking about the assumption without having seen their contracts. Ought we to assume anything from the mere fact that they are employed?—A. Not if they are employed in their home town or Washington, where they are doing business.

Q. The Naval Committee does business in Washington?—A. Yes.

Q. Now, you have testified to what seemed to be an extravagant price for cigars. How do you know how many cigars were paid for in that $3.75?—A. Five.

Q. How do you know?—A. That is what the man said.

Q. I thought you were there?—A. I was not one of the party.

Q. Well, now, you said somebody else said they had also consumed champagne at the expense of the Electric Boat Company or somebody connected with it?—A. Yes, sir.

Q. Do you know what they had to drink, if anything, at the lunch given by the Lake Torpedo Boat Company?—A. I do not.

Q. Have you any doubt?—A. No, sir; I have not any doubt.

Q. Now, when you made your charges against the Electric Boat Company, did you know that the Lake Torpedo Boat Company was paying for publicity?—A. No, sir; I did not.

Q. Did you know that it had a man employed who wrote articles in various technical journals, Scientific American, or Harper's Weekly, and that they were sent or to be sent to Members of Congress gratis?—A. I never heard of Mr. Skerrett until he was called to testify.

Q. Did you know that it had employed agents of the Associated Press at $150 a month?—A. I did not.

Q. Did you know that Mr. J. C. Lake testified it had entered upon a propaganda?—A. I did not.

Q. To force discussion upon the floor of the House?—A. I did not.

Q. Which propaganda consisted of articles and anonymous postal cards and communications and articles in a great many newspapers. Now, knowing it, did you know that counsel for the Lake Torpedo Boat Company had an eloquent speech prepared to be delivered upon the floor of the House by a Member of the House?—A. I did not.

Q. Knowing these things that have developed, do you confine your views upon the subject of open competition; do you confine them to attorneys or do you extend it now to literature and entertainments?—A. I do not care to express myself on that subject, because I do not know what the nature of the entertainment was or how much, what the conditions were, or what the literature was; in fact, it might be equally as bad or worse that the other company was doing.

Q. Because one company did it would not make it right or wrong?—A. No, sir.

Q. Now, Mr. Lilley, in your telegram of August 10, 1907, to the Secretary of the Navy, you said that "favorable legislation interests my constituent Lake Company solicited. See letter." Did you ever solicit a contract for any other submarine torpedo boat company?—A. I did not solicit the contract, did I?

Q. "Your favorable consideration interests my constituent Lake Company solicited."—A. That is not soliciting the contract.

Q. It is "favorable consideration interests my constituent Lake Company." Did you ever solicit his consideration in the interest of any other company?—A. I do not solicit the consideration of the Secretary of the Navy or any other head of any other Department here that calls for the expenditure of money except along business lines.

Q. I am not talking about business lines. "Your favorable consideration interests my constituent Lake Company solicited." Do you ever solicit his consideration for the interest of any other company, Lake or any other submarine company along any other line?—A. I simply wanted him to listen to their statement.

Q. Please answer that question. Did you ever solicit his consideration in the interest of any other torpedo-boat company?—

A. No, sir; I would not solicit the consideration for that company, except to hear their story and proposition.

Q. "Consideration for their interests." Then, on August 10, you wrote, "I sincerely hope"—now, this was after the Newport tests, when the other company's boat, the Holland boat or Electric boat or whatever you call it, had been awarded the test, you wrote the letter of August 10, saying, "I sincerely hope that before awarding the contract you will examine not only the reports of the seagoing tests, but also the plans and specifications submitted by the Lake Company, and that you will see your way clear to divide the business."—A. I would like to have you read that entire letter.

Q. I have read it yesterday and it is in evidence.—A. That does not give a fair presentation of that letter.

Q. The whole letter is in evidence. You said, "I sincerely hope you will see your way clear to divide the business."—A. The former part of that letter tells why.

Q. But that is what you asked him to do?—A. In the interests of competition for the best interests of the Government.

Q. What difference does it make to the Government—I will not go into that question. Mr. Lilley, you mentioned receiving a letter from Judge Dayton. Was it before or after you introduced the resolution?—A. I think it was after.

Q. Then it was not based on that—the resolution was not based on his letter?—A. Not on his letter; I read his story years ago.

Q. Had you written him?—A. Yes.

Q. When did you write to him—before or after you introduced the resolution?—A. I think it was after.

By Mr. BROUSSARD:

Q. Mr. Lilley, as I recall your testimony you said that resolution 264, House resolution introduced by yourself, had been introduced by you in order to get information from the Navy Department to help this committee or whatever committee was appointed by Congress in this investigation of the charges made by you?—A. I wanted to bring out what information I could to the committee.

Q. I think you also testified that you did not know whether the resolution was drafted by Mr. Webster or drafted by Mr. Neff?—A. I think so.

Q. Subsequently Mr. Neff took the stand and testified that he had drawn it up and that you had signed it; he had seen you affix your name to it.—A. The resolutions?

Q. Yes; the resolutions.—A. Well, he brought the resolution to me, as I remember it.

Q. You heard Mr. Neff's testimony that he had drawn the resolution on the suggestion of Mr. Webster.—A. Will you kindly read me Mr. Neff's testimony; tell me where that testimony is?

Q. Yesterday, you were here when Mr. Neff was on the stand; you will find it in here.—A. I understood that Mr. Neff testified he drew it. He handed it to me. I could not tell who drew it.

Q. I ask you whether you recall that he testified that he had drawn it at the suggestion of Mr. Whitney; he did not know who would introduce it, but he gave it to you and you introduced it. Do you recall that testimony?—A. Part of it; substantially that.

Q. I would like to get your statement as to whether you originated the idea of getting this information from the Department and con-

sulted Mr. Foss about it, or whether Mr. Neff originated the idea and consulted Mr. Whitney about it?—A. Mr. Broussard, I really can not tell you; I would not be absolutely certain about that, but my remembrance is that I talked it over with Mr. Neff, but that I did not know that he expected me to introduce it.

Q. Do you remember talking to Mr. Foss about it?—A. That was after it was introduced.

Q. You remember distinctly that your purpose was to get evidence for the benefit of the committee to be appointed under that resolution to investigate this matter?—A. I wanted to get all the facts I could.

Q. Do you remember having testified that you had not read this resolution before introducing it?—A. This morning, if you were here—were you here this morning when the committee opened?

Q. Yes.—A. You heard my testimony then.

Q. I heard your testimony this morning; I do not recall it; I may have been looking over some testimony when you made that statement. I want to know whether this resolution emanated from you originally on behalf of the Lake Company or you acted on behalf of the Lake Company in introducing it?—A. Well, the resolution emanated from them, and I introduced it.

Q. You were not then incited by any desire to procure evidence to help this committee?—A. Certainly.

Q. It did not originate with you, however?—A. I think we had talked that over, but I won't be positive about that. But I saw at once that it would give us some information.

Q. You knew that your resolution provided full powers for the committee, whatever committee was appointed, to get such services?—A. I assumed at that time that the committee would be very glad for any help that I could give them.

Q. Did you not put in your original proposition the power to secure papers, swear witnesses, and so forth?—A. Certainly.

Q. Then you knew Congress had already granted that power when it passed that resolution?—A. I assumed this committee would be very glad to get the assistance it could from me.

Q. Had not your first resolution granted power to summon witnesses and enforce the production of documents to secure whatever was necesary to further this investigation; was that not in the resolution originally?—A. Certainly.

Q. Then what was your reason for getting an additional power?—A. Just as I told him. I assumed the committee would be very glad and would be still glad if I could produce evidence that would help them in any way.

Q. Although resolution 264 provided that this evidence should be produced before the committee that would be empowered to investigate under your first resolution. You wanted to arm this committee with double power to get the same evidence?—A. I wanted to get that evidence if I could.

Q. I understand that your charges now against the Electric Boat Company are that they are using reprehensible methods to influence legislation in Congress; I understand that is your charge now as it was in the beginning?—A. Yes, sir.

Q. Do I understand you to charge that these methods have been effective with Congress and that anyone has been influenced by these

methods?—A. I do not charge any Member of Congress, Mr. Broussard.

Q. I understand that you charge that they have been using reprehensible methods to influence the press of the country in behalf of their submarines?—A. Yes, sir.

Q. Do I understand you to charge that the press of the country has been corrupted?—A. I don't know exactly what you mean by the press.

Q. I mean the same press that you referred to in your testimony, whichever press that may be.—A. I mean that they——

Q. Newspapers, magazines, publications?—A. Magazines mostly, and newspaper articles, wherever they could get them in.

Q. Do I understand you to charge that these methods of that company have been effective in corrupting the press of the country in behalf of submarines?—A. I introduced a resolution to find out just how far these things had been pursued.

Q. You made no charge so far as the press is concerned?—A. I do not know whether they had any effect or not; they may have had an effect upon Members of the House.

Q. Did you try to find out?—A. That is what this committee was appointed for.

Q. Have you tried to find out?—A. No; I can not say that I have.

Q. Do you believe that these methods with the press on the part of this company have been effective?—A. Mr. Broussard, I believe when men like Archibald go out over the Middle West and the Pacific coast and create war scares and get up in chambers of commerce and boards of trade and get resolutions passed that they do have their effect. A Member of Congress may not know where these emanate from, but he gets letters and resolutions from chambers of commerce and from individual voters asking him to vote for this because people demand it.

Q. I am asking you about the press, and not about a man visiting chambers of commerce and municipal buildings; I am asking about the press; do you make that specific charge?—A. Whether they have corrupted any Member of Congress?

Q. Yes; or whether they have been effective?—A. I can not say that they have.

Q. You charge, I understand, that this company has been, through its reprehensible methods, able to secure contracts with the Navy Department whereby they have made profits that are beyond normal profits of men engaged in business?—A. Yes, sir.

Q. Do you charge that the men connected with the making of these contracts with this company have been corrupted by the men who have secured the contracts?—A. No, sir; I do not.

Q. Then I understand your charges; I believe those cover all the charges that you have made, do they not?—A. I believe so.

Q. Congress, press, and the Navy Department; that embodies all of your charges. Then, do I understand your charges to be these, that you charge this company with using reprehensible methods to influence Congress, the Navy Department, and the press of this country, and you want them investigated, and yet you will say that you will not make the charge that Congress responded to those methods or

Q. Do you still own that property?—A. I do.
Q. You do own it now?—A. I do.
Q. Is it still a part of the post-office?—A. No, sir.

By Mr. OLMSTED:

Q. It must have been open competition if it had been rented for $1 a year?—A. It was open competition.
Q. Mr. Lilley, I believe while I was away you made a speech in the House on the naval bill?—A. Yes, sir.
Q. You then introduced a resolution in the House to investigate the navy-yards?—A. Yes, sir.
Q. Did you ever offer any amendment to the naval appropriation along the lines of the resolution that you have introduced with regard to the navy-yards?—A. During the make-up of the bill I tried to keep from spending new money on yards that had become obsolete, or that were practically out of business.
Q. Did you ever offer an amendment of that character to the naval bill in the committee?—A. I asked the naval committee before the passage of the bill to cut out the appropriation for new work in some of those places.
Q. Did you ever introduce an amendment to the bill or offer an amendment or any provision in the bill to cut out the useless navy-yards, as you contended there were useless navy-yards?—A. I refused to vote for the bill with this appropriation in it.
Q. That is not an answer. Did you ever offer an amendment?—A. No; there was no use in offering an amendment.
Q. Why?—A. Because as the committee went through the bill I asked to have certain appropriations cut out and they voted not to cut them out.
Q. Is that the way you do in that committee?—A. We usually go through a bill item by item.
Q. And as a member of the committee, when you want anything cut out you draw your amendment——A. You do not draw an amendment.
Q. Did you ever move to have those stricken out of the bill?—A. Why, I objected to their going in.
Q. Have you ever made a motion?—A. No, not a regular motion, because I could plainly see that it would not carry.
Q. How could you see that?—A. Because there were too many interested.
Q. Interested in what way?—A. In voting for the amounts that were specified. I am not on the subcommittee that draws the bill.
Q. Are you on any subcommittee at all?—A. Yes.
Q. What subcommittee?—A. I do not know.
Q. Are not you chairman of the subcommittee on naval affairs?—A. I would not be surprised, but we never met.
Q. Are not you a chairman of one of them?—A. I think so.
Q. Did you ever have any meeting?—A. No.
Q. You do not know what your subcommittee is?—A. I know, but it is out of business.
Q. You do not know the name of the subcommittee of which you are chairman?—A. If you had the list——
Q. I have not got the list. You don't remember, anyhow, what subcommittee it is, and it never meets. Have you ever had a meet-

ing?—A. It is like the Committee on Expenditures in the Treasury Department.

Q. Mr. Erly is secretary of that committee, I believe.—A. I have heard so.

Q. And you were chairman in this sense?—A. Yes. There is quite a difference in the salary, though.

Q. There is quite a difference in your power, also. It is the power of the chairman to call the committee together, and not the secretary?—A. The business is transacted by the first committee. I would be very glad to call it together any time you have any proposition for it.

Q. There were meetings of other subcommittees, was there not?—A. I think so.

Q. And none of yours?—A. There has not been any this year.

Q. Do you attend the committee meetings very regularly?—A. I do.

Q. You do?—A. Yes, sir.

Q. What meetings have you had at this session?—A. I have not been able to attend any meetings since this investigation started.

Q. Prior to that, how many times were you at the meetings?—A. I could not tell you.

Q. Did you attend all of them?—A. Oh, I attended as many meetings of the subcommittees that I am not on—on the main subcommittee.

Q. I thought you stated that you never had a meeting?—A. They transact all the business, practically—the first one on the list transacts practically all the business.

Q. Which one is that?—A. It is the one that makes up the bill, of which Mr. Foss is chairman.

Q. I am going to ask you this question: If you had such an interest in naval affairs as your resolution would seem to indicate, how is it that the record of the Naval Affairs Committee shows that out of 26 meetings for all the time since the beginning of the present Congress you have attended only 8 and have been absent 18?—A. You have taken them all up to date. I presume a very large part of those have occurred since my resolution was introduced and I have been too busy.

Q. What part of them have occurred since your resolution was introduced?—A. I do not know.

Q. Isn't it a fact that your bill was already prepared, ready to be reported to the House, before you introduced that resolution creating this investigation?—A. Yes; but you understand that I attended meetings of the committee that prepared the bill in addition to meetings of the full committee.

Q. What other bill has that committee got now in this Congress except the naval appropriation bill?—A. That is the only bill up to the time that it passed, but since then they have been having meetings frequently, and I have not been able to attend them.

Q. Up to the time of the introduction of your resolution the naval appropriation bill had been under consideration by your committee?—A. Yes; but not the full committee until after the subcommittee had passed upon it.

Q. But, as a matter of fact, when the amendments were offered, the vote of which has already been spread on the record of these hearings, before the committee as a whole committee you then introduced in Congress a resolution to investigate the Electric Boat Com-

pany, and at the time you introduced your resolution the naval appropriation bill was a complete thing in so far as that committee was concerned?—A. Yes, sir.

Q. That was the only bill at that time?—A. Yes, sir; but there has been a great many since.

Q. Have they reported any bill since?—A. I do not know that they have reported any, but they have had a good many meetings since, and I venture to say that they have had more since than before.

Q. You mean to say you attended all of the meetings——A. I do not mean to say I attended them all, but I attended them pretty generally; I attended a very large number on the subcommittee, although I was not a member.

Q. But you testified that long before you were appointed on this committee you were so interested in naval affairs that you were reading up, investigating reports and matters pertaining to naval construction, and you solicited to go on this committee; you introduced resolutions and made speeches, and I want to know just how much interest you did take in naval affairs.—A. If you will hand me that book I will tell you, if you can not see yourself, if that is the book. Does it have the meetings of the subcommittees?

Q. Yes; it has everything, I think. [Witness is here shown book.] I do not find your committee there.—A. There is no occasion for it.

By Mr. HOWARD:

Q. Up to the passage of the naval bill by the committee, on the 10th day of February, you were absent four times from the general committee meeting, and you were present about eight or nine times.—A. In addition to that I was present at the subcommittee that was making up the bill pretty regularly.

Q. That came about in this way, that at every meeting of the subcommittee that had the making up of the general bill, every member of the committee was invited to be present and attend its sessions?—A. Yes.

Q. There was no roll call of those sessions.—A. I was at those sessions, when I was in town, every day.

Q. But there was no roll call of those sessions of the regular meetings other than those which are credited and charged up to the subcommittee meetings, and in the regular roll calls up to the 10th day of February you were absent four times and present nine times.—A. Well, that may be the full committee. I was probably absent four times. I will accept that proposition, if you have looked into it. I do not think there were very many present on the committee outside of the chairman that were not absent. I think that is a pretty good average.

By Mr. BROUSSARD:

Q. The purpose of these questions is to ascertain how much interest you did take in naval matters. I want to ascertain whether there was any reason why you should not be there.—A. If I was in town I was there.

By Mr. OLMSTED:

Q. What subcommittee of Naval Committee are you chairman of?—A. If you will read it over——

Q. Don't you know?—A. No, sir; I do not.

Q. I will inform you that you are chairman of the subcommittee on navigation, equipment, supplies, miscellaneous.—A. I will inform you that has not had a meeting.

Q. Is not that a pretty important committee?—A. No, sir. It is no more important than a lot of committees in the House are.

Q. You have gotten pretty good men on it. Mr. Lilley, chairman; Mr. Roberts, Mr. Loud, Mr. Thomas, Mr. Talbott, Mr. Lamar, Mr. Hobson. The other subcommittees, it seems from this record produced by the clerk, nearly all of them meet from time to time.—A. I do not think any of them met up to the time the bill went in.

Q. Yes; they did. The subcommittee on appropriations met very often.—A. I mean except that one. That special committee on appropriations does all the business and all the members can be present.

Q. Here is a subcommittee on construction, repair, and steam engineering, and that met for a consideration of House bill 7578, and so on.—A. When did they meet?

Q. It met on the 3d of February. Mr. Loud is chairman of that. The subcommittee on private bills had several meetings, and several other subcommittees.

By Mr. BROUSSARD:

Q. The bonds that you say your mother and son hold in the Waterbury Republican, you state $25,000?—A. All together.

Q. Do those bonds pay interest regularly or declare dividends?—A. Yes, sir.

Q. How much interest do they pay?—A. Five per cent.

Q. How long have those bonds been outstanding?—A. Three or four years.

Q. How long do they run?—A. Ten years. The question was asked me yesterday if the Waterbury Republican and I agreed on matters. We are very much in disagreement on matters at the present time on Presidential candidates, and our convention will meet very soon and they are strong supporters of Hughes and I am not.

Q. Do they disagree with you as to submarines?—A. Well, I may say this, that I have never written a line—I won't say that I have never written a line, but if I have it is over my own signature—or dictated a line to that paper. I have deplored some of the things that it says a great many times.

Q. That is not answering the question. The question is whether they agree with you about submarines or whether you are dictating the policy?—A. I do not know whether they are in favor of submarines or not; I mean in regard to them officially.

Q. Do you receive the paper?—A. Yes, sir.

Q. Do you read it?—A. Sometimes.

Q. You do not know whether they agree with you or not on submarines?—A. As an effective weapon of warfare?

Q. Generally, with your position, the whole subject-matter.—A. I do not approve all the things that the Waterbury Republican has said by any means in regard to this investigation, if that is what you mean.

Q. I ask you whether they agree with you, not whether they approved of it. Do they agree with you?—A. That is not for me to say.

Q. You do not know?—A. I suppose they agree with me in some things.

Q. In what things did they agree?—A. I do not know.

Q. What things do they disagree with you in about submarine boats?—A. I do not know. I have not any argument with them. That is their business.

Q. Do you know their views as published in the paper?—A. I have read a number of articles published in the Republican.

Q. Do you agree with them?—A. I have told you that I do not.

Q. They are not in accord with you and your policy with regard to submarines?—A. I say I am not the cause of all the things they have written.

Q. I am not asking that. I say their policy is not in accord with you, with what you concede to be the proper policy to be pursued with regard to submarines. Are they advocating the same thing that you are?—A. I do not know what they are advocating in the line of submarines. Do you mean open competition?

Q. Yes.—A. Apparently they are.

Q. Have you any stock in the Norwich Register?—A. No, sir.

Q. Do you know anybody connected with that paper—the Norwich Bulletin?—A. No, sir; I have no stock in it.

Q. Do you know anybody who has in your family?—A. No; they are away over in the farther part of the State.

Q. Do you know who the editor of that paper is?—A. No; I do not.

Q. You are not acquainted with him?—A. No, sir; I have met him.

Q. What is his name?—A. I can not tell you. I was introduced to him.

By Mr. OLMSTED:

Q. Do you know W. H. Saulte?—A. Yes, sir.

Q. What newspaper does he write for?—A. None that I know of.

Q. What is his business in Washington?—A. He is a doorkeeper.

Q. He is from Connecticut?—A. Yes, sir.

Q. Whose appointee is he?—A. Mine.

Q. And he does not write to any of the newspapers?—A. I never heard of it.

Q. Do you know Thomas F. Tracey?—A. Yes, sir.

Q. What newspaper does he write for?—A. Well, I don't think that he is here this session.

Q. He is a doorkeeper, isn't he, and on the pay roll?—A. I have not seen him.

Q. What newspaper did he represent while he was here?—A. He was in with Mr. Wallmo. They represent, I think, the Bridgeport Standard.

Q. And several other papers?—A. Yes; but I do not know just what ones.

Q. Isn't there a chain; don't they represent a chain of newspapers through Connecticut?—A. They represent four or five newspapers, but I do not know what ones except the Bridgeport Standard.

Q. What district does Mr. Tracey live in?—A. Mr. Henry's.

Q. Do you know T. E. Spencer?—A. Yes, sir.

Q. What paper does he represent?—A. He is a part of this syndicate.

Q. He is on the Government pay roll?—A. Yes, sir; I think so.

Q. A policeman. What district is he from?—A. I do not know. My recollection is he is from Mr. Henry's district. But I won't be positive about that.

Q. Do you know T. J. Goode?—A. Yes, sir.

Q. What newspaper does he represent?—A. None that I know of.

Q. What position does he hold?—A. He is in the post-office, but I do not know just what his position is.

Q. Do you think he represents one or two newspapers?—A. I never heard of it.

Q. Do you know whether he sends letters to any newspapers?—A. I never heard of it.

Q. Where is he from?—A. I think he is from Mr. Sperry's district.

Q. Do you know C. Ganss?—A. No; I do not.

Q. He is clerk of Invalid Pensions, and I don't believe he gets time to do much newspaper work. He is from Connecticut, isn't he?—A. I believe he is.

Q. Do you know whether he does any newspaper work?—A. I never heard of it.

Q. Do you know J. S. or J. L. Greenwood?—A. Yes; secretary of Mr. Hill.

Q. What paper does he write for?—A. I never heard of his writing for any.

Q. Or send letters to?—A. I never heard of it.

Q. Do you know P. G. Wallmo?—A. Yes, sir.

Q. What paper does he represent?—A. He and Spencer work together on these three or four papers. I do not know anyone else here who is doing newspaper work here.

Q. They represent all Connecticut newspapers?—A. Oh, no.

Q. So far as Washington news is concerned?—A. Oh, no.

Q. Who represents the others?—A. There is a Mr. Hallam here who represents the Courant, and most of them are supplied from the Associated Press or the United Press.

Q. I thought you said nobody else represented any papers here.—A. Well, there is the Associated Press.

Q. What position does Mr. Wallmo hold?—A. He is the secretary or clerk of the Committee on the Alcoholic Liquor Traffic.

Q. Do you mean Mr. E. B. Spencer?—A. No.

Q. You do not know Mr. E. B. Spencer?—A. No, sir.

Q. You do not know whether E. B. Spencer represents any newspapers or not?—A. I do not know the man; I never heard of him.

Q. Maybe it is a boy. Do you know of anybody by that name?—A. No, sir; where does he come from?

Q. He comes from Connecticut, I am informed. He is clerk or secretary to the Committee on Expenditures on Public Buildings and Grounds.—A. I do not know him.

Q. Those letters, so far as you know, are from Mr. Wallmo, clerk of the Committee on the Alcoholic Liquor Traffic, Mr. Spencer, on the Capitol police force, and Mr. Tracey, one of the Members of the House.—A. I do not think that Mr. Tracey is here this year, and I do not take any of the papers that those people represent, so the only people that I know that are writing things here for any of the Connecticut papers are Hallam, of the Hartford Courant, and Wallmo and Spencer. They are together. But I do not think any of these papers——

Q. Is there anybody here who writes for the Waterbury Republican?—A. No one that I know of.

Q. Do they rely entirely upon Mr. Webster, then?—A. I never knew of Mr. Webster writing a line.

Q. You see articles in there and letters from Washington very usually, don't you?—A. No; not any more than the press dispatches.

Q. Outside of the Associated Press.—A. No. If there are I do not know who writes them.

Q. You see that paper, don't you?—A. Yes; it comes to me.

Q. You have seen such articles, haven't you?—A. I have not noticed whether they were dated. As a matter of fact, I am not a newspaper man, anyhow, and I do not know.

Q. You know a newspaper when you read it?—A. I am not a newspaper man. I do not know how they are dated.

Q. I am not either, but when I see and read Washington, D. C., April 21, I take it for granted that is a Washington letter.—A. Would not a press dispatch be dated in the same way?

Q. There is generally a difference between a press dispatch and any other letter. Now, the letter you have identified you sent Mr. Lathrop, what was the date of that?—A. I could not tell you.

Q. But you have a copy of it?—A. Yes.

Q. We will ask you to preserve it very carefully until we determine whether we want it.—A. I can tell you what is in it, practically.

Q. We will not ask you to do that. We do not want to get any conflict between you and the letter. It may be there is nothing in it that we are interested in.—A. There is absolutely——

The CHAIRMAN. Absolutely what? I thought you were going to finish your sentence. You said absolutely. You can consult your counsel if you choose.

Q. Has Mr. Lathrop been here this session?—A. No, sir.

Q. Has anybody representing the Waterbury Republican been here this session?—A. No, sir.

The CHAIRMAN. They would not have any objection to coming, would they, if they were subpœnaed?

A. They would have to come if they were subpœnaed.

The CHAIRMAN. Do you think they would have any objection to coming? You need not answer if you do not wish to.

Mr. Stevens, have you any other questions to ask?

By Mr. STEVENS:

Q. After the introduction of your resolution on Thursday, February 20, when did you first make up your first list of witnesses to be examined before this committee to be appointed under it?—A. Why, I can not tell you the date.

Q. Before you had a hearing before the Committee on Rules?—A. No; I think not. I think it was just after the select committee was appointed.

Q. After the select committee was appointed on the 6th day of March?—A. I should think that would be about the time.

Q. So, had you spoken to anybody about what witnesses would be summoned by this committee?—A. I think I had talked with Senator Thurston.

Q. Had you prepared any list with Senator Thurston of the names of witnesses to be summoned?—A. My impression is that we had prepared a list.

Q. You had prepared it together with him? Did you, with Senator Thurston, make up a list of questions for those witnesses?—A. It was discussed; yes.

Q. When was the name of Frank L. Edinborough agreed upon as one of the witnesses who would be summoned by this committee?—A. They were all made up—the first lot was made up at the same time.

Q. You handed in the name on March 9. You handed in the name of W. D. Gordon, Frank L. Edinborough, and how long before that had these two names been under consideration?—A. Only a short time.

Q. Can you state about how long?—A. No; I can not. I think that whole list was made up just shortly before it was handed in.

Q. Did you have their names under consideration before this Michigan newspaper man talked to you and gave you Gordon's name?—A. I did not know their names. I know there was a lawyer out there, but I did not know his name, and I did not know about Edinborough until after that, after the resolutions were in.

Q. You did not know it until after the resolutions were passed and the committee had been appointed?—A. No; I won't say after the committee had been appointed, but after the resolution was passed. Four or five days after that I got Mr. Edinborough's name and Gordon's, too.

Q. Then it was about the time of the appointment of this committee?—A. Before.

Q. About March 3 or 4?—A. I would say it was before that. It was a week before.

Q. A week before would be about February 27, then. About the time you introduced your resolution.—A. It was during that week that this young man that I have referred to came into my office and I got those names first from him.

Q. Mr. Webster testified that he came in about March 4 or 5.—A. He came in again.

Q. Before that?—A. No; he came in again after that—well, that was the second time that he came in, probably, that he brought the initials of Gordon.

Q. Can you identify when he came in the first time?—A. It was a few days after the resolution went in.

Q. The resolution went in on the 20th?—A. Yes, sir.

Q. About how long was it before your appearance before the Committee on Rules? I want to get that as accurately as possible. The resolution was introduced on Thursday, February 20, about 2 p. m., so you state. Your appearance before the Committee on Rules was on February 25, which would be the Tuesday following. Now, did this Michigan man come in during that day or after?—A. He came in the first time, I would say, between the 22d and the 25th.

Q. Between the 22d and the 25th?—A. That is my impression.

Q. And up to the time of his appearance, the only information you had was from Mr. Foss concerning Gordon's connection with Loud?—A. Oh, I had heard that talked of.

Q. Where did you hear it?—A. I could not tell you. The only thing positive I had was from what Mr. Loud and Mr. Foss had said.

Q. Can not you identify any place you may have heard it or any person you may have talked with about it?—A. No, sir; not on those two.

Q. Mr. Edinborough testified, page 715, that on the 22d day of February he was notified that he probably would be summoned to Washington.—A. Well, that is something that I knew nothing absolutely about.

Q. You had not given any intimation, then, up to that time?—A. No, sir.

Q. That Mr. Edinborough's name was under consideration?—A. No, sir. I did not know Mr. Edinborough's name on the 22d.

Q. You knew about this fact of Mr. Gordon's alleged candidacy on the 20th, when you gave your interview to the Washington Post, did you?—A. Yes, sir.

Q. You must have known it then.—A. Yes, sir.

Q. And some person knew the facts sufficient to notify these same things to Mr. Edinborough by telegraph from Washington on Februafy 22, so he testifies, and some person knew this connection to send an anonymous letter to Mr. Edinborough from Washington on February 15. Now, you see there is that same fact appearing at those three different times. Can you identify, after this statement, any person you talked with who would have known of that fact before you introduced your resolution so that he would know it on February 15, or afterwards, so that he would notify Mr. Edinborough on February 22?—A. No, sir; I left here February 12 and returned on the 19th, and I am sure that I did not talk with any person who could have given Mr. Edinborough any information.

Q. These facts do appear: That the anonymous letter was sent to Mr. Edinborough stating that Mr. Gordon had been a candidate against Mr. Loud and withdrawn at the instance of the Electric Boat Company, and that letter reached Mr. Edinborough on the 17th or 18th of February. Your resolution was introduced on the 20th, and you gave an interview in the Washington Post on the 20th embodying practically that same statement. Now, on the 22d, two days later, Mr. Edinborough testifies that he was notified by a friend of his in Bay City, a Bay City reporter of the Detroit News, that he would be summoned to Washington to testify as to those facts. Now, can not you indicate to us any person you talked with, in this mass of rumors that you said were prevailing here, who would know about these facts and be interested in informing Mr. Edinborough in those two ways?—A. I would not know unless this correspondent who gave me his name was in my office on the 22d. That might be possible. If he was in my office on the 22d and gave me those names, I may have intimated to him that they might be summoned.

Q. So you might have told the correspondent on that day?—A. I might have, but I do not recall it.

Q. If you told it——A. That day comes a little early, it seems to me. I would have said that he was not in there until a little later.

Q. That is why I want you to place your recollection just as closely as possible. Can you indicate the time of the visit of that young man?—A. I am certain I did not know Mr. Edinborough's name or where he lived or that there was such a person.

Q. Or that he was to be subpœnaed?—A. Or that he was to be subpœnaed, until after the 20th.

Q. (Showing witness papers.) These are the questions prepared for Mr. Edinborough and Mr. Gordon; that is your name signed; as

I take it, that is your signature?—A. Yes. Those were prepared some time after that, though.

Q. Who prepared those questions?—A. Why, I think they were prepared with the advice of Senator Thurston.

Q. Who dictated the substance of them?—A. I do not know whether Senator Thurston dictated the substance of them or not. If he did not, they must have been prepared by Mr. Neff.

Q. So that the substance of these questions was prepared either by Senator Thurston or Mr. Neff?—A. After consultation with me.

Q. After consultation with you? Now, did you furnish the facts that were the basis of these questions, as you recall?—A. I probably did; many of them, anyhow.

Q. So that the connection of Mr. Loud with Mr. Gordon as indicated as a basis for these questions were furnished by you?—A. If you will let me look those questions over. [After looking paper over.] Yes, sir. After discussion or consultation with Senator Thurston those questions were gotten up.

Q. And you furnished the substance of them?—A. Much of it.

Q. And that is your signature at the bottom of the page of questions to be submitted to W. D. Gordon?—A. Yes, sir.

Q. And of the questions submitted to Frank L. Edinborough?—A. Yes.

Q. Can you recall about when those questions were prepared?—A. Why, just shortly before those witnesses appeared here, I think.

Q. They appeared on April 2. Mr. Gordon appeared a day earlier and Mr. Edinborough on April 2. Can you recall when they were prepared?—A. Sometime in March, I should say.

Q. When Mr. Edinborough called on you the night before his appearance before this committee, did you go over this matter with him?—A. No, sir.

Q. Did you inform him what questions would be propounded to him?—A. Not a question.

Q. Did you go over with him the substance of the anonymous letter he had received?—A. No, sir. He told me he had received some anonymous communication.

Q. Did you examine into it at that time?—A. No, sir.

Q. You did not know what was in it?—A. I did not. I did not ask to examine it. He asked me if I had received any. I told him I had; a large number.

Q. Did he show it to you?—A. No, sir.

Q. And you had no curiosity to find out what was in it?—A. I did not care to ask him.

Q. You did not examine him?—A. No, sir; I did not. I never saw it or looked at it. He never took it out of his pocket if he had it with him.

Q. Have you read Mr. Loud's testimony as to his connection with Mr. Gordon?—A. Well, I have not read it; I heard it.

Q. As you read Mr. Gordon's testimony as to his connection with Mr. Loud?—A. Yes, sir.

Q. Have you read the testimony of both of them to the effect that there never was any such fact that Mr. Gordon was a candidate against Mr. Loud, or suggestion or intimation that he ever would be

a candidate against Mr. Loud—you observed that in the record?—A. I think there was some such, that he was talked of in the papers.

Q. That was in Mr. Edinborough's testimony?—A. Did not Gordon say that he had been mentioned in the papers as a candidate?

Q. Well, he said that he had been mentioned, but Mr. Edinborough went into that more fully.—A. I think Mr. Gordon said he had been talked of.

Q. Mr. Gordon said he had never been; never intimated he would be a candidate against Mr. Loud, and Mr. Loud said the same thing.

By Mr. HOWARD:

Q. I want to ask you a very few questions on a perfectly familiar subject, and I believe a favorite one with you. It is the subject of the cost of submarines. I want to ask if you have ever built a submarine?—A. No, sir.

Q. Did you ever assist in building one?—A. No, sir.

Q. Did you ever see one built?—A. No, sir.

Q. Did you ever study the plans of one being built?—A. No, sir.

Q. Did you ever study the plans for building one?—A. No, sir.

Q. Did you ever examine the cost of building one?—A. Only from the documents.

Q. From any other sources?—A. No, sir.

Q. Did you ever pay for one?—A. No, sir.

Q. Did you ever help to pay for one?—A. Only by taxation.

Q. That is indirect. You could not calculate your part of it for the life of you. Did you ever own a ship of any kind?—A. I owned an interest in one once.

Q. Was it built before or after—did you buy an interest in one already built?—A. It was building.

Q. Iron or wooden?—A. Wooden; a merchant vessel.

Q. Do you know anything about her cost?—A. No; that was a good many years ago. My impression is it cost $64,000. It was built at Bath.

Q. A wooden ship?—A. Yes, sir.

Q. A schooner?—A. She was a brig or a barque.

Q. Or a brigantine. You know a brigatine by her rig?—A. I did at that time. I don't know as I could tell now.

Q. A brigantine carries a yard on the mainmast?—A. She has one yard.

Q. If a brig, she has one. What was her tonnage?—A. I can not remember. It is a good many years ago.

Q. You have no interest in one now?—A. No, sir.

Q. Did you ever make any study of the cost of submarines?—A. Only from the testimony of other people.

Q. The testimony of whom?—A. Admirals Bowles, Melville, O'Neil, and Captain Lake.

Q. You have examined carefully the report and testimony of those persons before the Naval Committee of the House and Senate, and in what other form——A. I am very familiar with their figures.

Q. You have never examined any other sources of information to form a basis of calculation of the cost, have you? Lake, Bowles, O'Neil, and Melville—have you ever examined any other outside of those? Have you ever gone to any other source for the cost of submarines or made any calculations from any other sources of authority?—A. No, sir; I have not; but I would like to.

Q. That is one of the things I would like to do, too. That is the fact, is it?—A. Yes, sir.

Q. Now, isn't it a further fact that you have never made a calculation the result of which you have stated either before the Committee on Rules, to any newspaper reporter, or to this committee at any time?—A. What is that?

Q. Isn't it a fact that you have never yourself, using the data from these sources, or any one of them, made a calculation as to the cost of submarines, the result of which calculation you have given either to the Committee on Rules or any newspaper or to this committee?—A. I have not made figures myself; no.

Q. That is what I call a calculation—ciphering, we used to call it. You have never done any ciphering on it, have you?—A. Not personally.

Q. If you did not do the ciphering personally, you do not know much about it?—A. I ordered some of it done. No; I have not done any ciphering.

Q. The subject is perfectly familiar. There is no difficulty about this. But you have never made the calculations on this subject, taken either from Bowles or any other of those you have named?—A. I do not remember, except one day in my office at the desk I think I made some figures on Bowles's testimony.

Q. What did you get?—A. It was not beyond dividing the tons by the estimated cost, which made $745, to show the cost per ton.

Q. That would be only one factor in the other calculation of the subject of gross profits?—A. Yes, sir.

Q. And you never have made that?—A. No, sir.

Q. That is the fact. Now, you state that generally, in this way, as I remember your testimony, you said generally they have made a profit of about a million dollars on the contracts already obtained. They will make a profit of a million dollars on the new contracts let, I presume, in November and December last.—A. No; the contracts to come.

Q. If this bill passes?—A. Yes, sir.

Q. So that out of the total appropriations up to date your minimum estimate has been $2,000,000, one million already made and a million to be made; that is right?—A. Yes, if the money appropriated goes in.

Q. That is your minimum figure. You appear in another place to state it in round numbers at a million and a half?—A. Based on Bowles's figures.

Q. And you have stated, and we will bear in mind, you said you did not make those figures?—A. Personally I did not make the figures.

Q. I do not want you to claim any figuring that you did not do.—A. I ordered them to be made.

Q. I know you did, but I want you to understand that I am drawing this distinction, that figures will not lie, so don't you adopt any other means of ciphering. Now, a million and a half in round numbers is one calculation you have made, and if you are informed upon the subject you will know that that result can not be derived from Bowles's figures. If you used Bowles's figures as a basis of calculation on contracts already let and calculate the 45 cents—

Bowles states it in so many dollars and 45 cents, if I remember.—A. Yes, sir.

Q. If you make the calculation and include the 45 cents, you get the result of $1,476,296.60 exactly. But if you leave off the 45 cents, then you get the result, with simple ciphering, that is stated by you of $1,519,738.58. So that whoever calculated that to which you signed your name left off the 45 cents in Bowles's testimony. Are you aware of that?—A. No, sir.

Q. You are not aware of that?—A. No, sir.

Q. You can try it when you feel like ciphering. The important fact, however, is that you have stated what the profits are when, as a matter of fact, you never calculated them. You never attempted to calculate them?—A. I had them calculated by a Yale graduate.

Q. Yes; by a Yale graduate. Now, then, is it or is it not true that if there was no excessive profit off this sum of a million and a half, or any other sum, if there was no excessive profit in the contract price of these boats, then you have no charge to make against the Electric Boat Company, have you?—A. I would not say that.

Q. Let us see if you should not say that. Haven't you stated several times in this investigation that the bottom of the trouble—the inducement for the Electric Boat Company to bribe Members and corrupt the Department, to resort to various things, 75-cent cigars, etc.—was because of these exorbitant and extravagant profits?—A. I did not put it in that language. That is the incentive.

Q. That is the inducement; and if that incentive did not exist, then these practices would not exist. Haven't you stated that, or would not you say that now?—A. Substantially that.

Q. That if this profit did not exist, that the incentive would be removed and the practices of course would not be adopted?—A. Yes.

Q. If you have never made this calculation and never inquired, then, whether these were or were not excessive profits, does it not make it possible that there could be an honest difference of opinion as to whether these excessive profits existed? In other words, let us get that down into concrete form. If naval officers, charged with the responsibility of letting and making these contracts, in this investigation testify that no such exorbitant, extravagant profits exist in the contract, and they testify that from having made the calculations, and having experience in the matter of a portion of these calculations, are they, or you, who positively never made a calculation about it, better entitled to be believed?—A. They have let a contract for $1,059 a ton for seven submarine boats, which I believe can be built for $600 a ton.

Q. Yet you never built a submarine?—A. I have not.

Q. Never saw one built?—A. I have never built one; but you heard the testimony the other day of a man that is responsible——

Q. Who was he?—A. Lake testified that he would take the contract at $745, and I believe he would make a handsome profit. I have seen the first *Holland* that was made. It looked like a little raft; a little small thing which has been tied up down there at Annapolis for a number of years. It don't look as though it ought to cost anything like that.

Q. It had barnacles on the bottom of it?—A. I presume so.

Q. Then it had sea moss on that, and then the paint had worn off of it, and it looked exactly like one of the rafts carried usually on the

deck of a steamship. But what has that to do with it? I asked you, under your confessed ignorance of the matter of the cost of one—— A. I do not confess ignorance of the matter of the cost of one from the mere fact that I have not compiled the figures myself. I have heard those figures discussed for years, and nobody disputes them.

Q. I want to know whether or not we agree on this, that you confess ignorance of having made this calculation. You have never made the calculations?—A. No, sir.

Q. Therefore you do not know whether you are accurately stating the fact in any statement you have made of the price?—A. I know approximately.

Q. You say approximately. Now, you quote Lake. Did Lake say that these were unreasonable profits, if they were profits?—A. I do not recall that he said anything about it.

Q. You heard Flint's testimony?—A. Not all of it. I did not hear that part of it.

Q. Did you hear that?—A. No, sir.

Q. You would not have believed it if you had heard it?—A. I was not interested in Flint.

Q. You were not interested in Flint?—A. In his testimony.

Q. Let me draw your attention to another thing. You have stated in this article of the 19th that the Lake people offered to build a series of boats for a certain number of dollars cheaper per ton than the other people. Did you make that calculation?—A. I made that calculation in my head from the testimony here of the Lake boat.

Q. You made it on a basis of tonnage?—A. Yes, sir.

Q. Don't you know that tonnage is not an accurate basis of comparison?—A. Well, I do not know that it is not; no. It is the basis that is generally used, I think.

Q. Don't you know that is not accurate? Don't you know that it is not the proper basis for reaching conclusions to be used as testimony and to affect serious investigation?—A. No; I don't know that.

Q. Neff knows more than you do, then. You dissent to what Neff said?—A. Oh, I can tell you that much, as the size increases the cost diminishes.

Q. Are not you prepared to say that the matter of tonnage as a basis of price is not a fair one for a serious investigation?—A. The difference between the decreased cost as to the tonnage would not be a million and a half dollars by any means.

Q. I am not asking you whether or not that was a fair price for these boats or whether that was an unfair or unreasonable profit. I never have asked you that question, and I would not ask you that question. I have absolutely no consideration for any result that you would reach any more than what I would reach. I am trying to get that question away from you to the men who are calculated to know something about it. That is why I asked you. Do not be afraid of it. I have only put it in the form of a hypothetical question. If these profits were so and so, they could be, under certain conditions, excessive or otherwise, and I am not trying to get you to swear anything about that matter as to whether these were excessive profits or any profits. Now, on the face of this statement you make that the Lake people offered to build a series of boats that run on the average of

tonnage several hundreds of dollars cheaper than the electric company—as a matter of fact, did you make that calculation?—A. No, sir.

Q. If you had made that calculation and had reached that result, would you be prepared to say that that was a fair measure of the value of the Lake contract or the Lake proposals and the Electric Boat Company's proposals?—A. I believe that they both get exorbitant prices.

Q. I have nothing on earth to do with that. I am asking you whether or not that is a fair basis of comparison between the proposals of the two companies. Relatively the boats cost something, whether they are worth anything or not. They cost something?—A. They cost.

Q. And if they are going to get anything in the neighborhood of what they cost, they would get some sum, and they would be worth some other sum. Now, are you prepared to say that that was a fair basis of comparison?—A. I think so.

Q. You think so?—A. I do.

Q. Then you think that in the purchase——A. You mean a fair basis of comparison of the costs?

Q. Yes.—A. Oh, I don't know anything about that.

Q. Then, do you repudiate this statement that the Lake people were offering a boat for $320 per ton cheaper than the Electric Boat Company?—A. I mean that I do not know anything about the relative costs between the different sizes of boats.

Q. But here is a statement that has occurred at the beginning of these hearings, at page 356:

I submit a comparative statement of the bids submitted by the Electric Boat Company and the Lake Torpedo Boat Company for the construction of submarines, on April 30, 1907, from which it appears that the submarines to be constructed by the Electric Boat Company are to cost on an average of about $320 per ton more than the prices offered by the Lake Torpedo Boat Company, under guaranties to the Navy Department and subject to the performance of all tests prescribed or to be prescribed by the Navy Department as a condition precedent to their acceptance. By this statement it will also be seen that the lowest price of the Lake Torpedo Boat Company is $800 a ton, which approaches very closely the price given by Admiral Bowles.

The general result of that has appeared in various forms in this investigation for some time. I want to know if you are prepared to admit that you know that the greater cheapness, relatively, does exist between the boats offered by the Lake people and the boats offered by the Electric Boat Company?—A. I only know it from the way it figures out.

Q. Did you figure it out?—A. No; I did not.

Q. So you do not know it that way, if you did not figure it out and reach that result; and are you prepared to say that, for a serious investigation, it is a fair basis of comparison?—A. I think it is.

Q. You think it is. Would not that be a fair basis of comparison if you were undertaking to build colliers, whose sole function should be to carry so many tons of coal?—A. As between colliers?

Q. Yes.—A. As between the sizes, I do not think you could compare the cost between two different colliers as to size as you could in submarines. There is no machinery or mechanical appliances in colliers.

Q. Colliers are of very much simpler form of construction and cheaper and easier to calculate the cost.—A. I presume the rule would apply in colliers, and the same rule would apply here; I am not informed on that.

Q. Do you mean to say it is easier to get the cost of submarines than it is of colliers?—A. No; I should think it would be the other way.

Q. Of course it would. Now, then, in the matter of submarines, what are the points? Would it be a matter of tonnage that the Government was after? What do you want of a submarine?—A. I do not want anything.

Q. I know you do not, but the Government wants a submarine for the purpose of acting unseen, for the purpose of being unhindered in placing a destructive projectile under the ship of the enemy.—A. Yes, sir.

Q. If you can do that with a 30-ton machine as well as you could with a 3,000-ton machine, it is better and cheaper to do it with the 30-ton, isn't it?—A. I am not prepared to go into the proper size of submarines.

Q. I am not going into the size; hence I have given 30 tons on the one hand and 3,000 tons on the other. That ought not to annoy you. If it can be done with the smaller one, isn't it cheaper, cheaper for the Government if it can be done thoroughly?—A. Yes.

Q. Then why should the Government be interested in the mere tonnage in getting submarines?—A. I believe that progress is toward larger submarines.

Q. Why?—A. I hear certain governments are building 800-ton submarines.

Q. For what reason?—A. I can not tell you.

Q. Well, I can't tell you. I am not on the Naval Committee. But you know—tell me.—A. Except by experimentation they have come to the conclusions that the larger vessel is the better.

Q. For what reason?—A. I can not give you the reason.

Q. Isn't it because it is for the purpose of getting greater surface and submergence speed?—A. Very likely.

Q. And that you have to build a very much larger vessel to get the relative power to drive her at the relative increased speed that is desirable so as to get quickly to the enemy that comes in sight, or quickly away from the enemy, and quickly from one base of operations to another base of operations?—A. Very likely.

Q. So that the question of tonnage is merely the speed and efficiency to be developed in the craft, isn't it?—A. Yes.

Q. Now, what is the Government paying its money for? Is it paying it for tonnage or for speed afloat and awash, submerged and in various conditions under which the craft is expected to operate?—A. It would have to take into consideration all of these things.

Q. But if the object was not to get speed, but the object was way beyond that—to discharge a torpedo at a critical moment—then the matter of speed would be subordinate to all those things, wouldn't it? Now, then, what would be a fair basis of test and comparison between the boats of the Electric Boat Company and the Lake Boat Company? Would it be a matter of tonnage or a matter of efficiency?—A. Well, I am inclined to agree with you on that point.

Q. Of course you do. You have read everything on this subject *generally. Have you* read the Lake boat contract made in February?—A. *I have not.*

Q. Have you read the Electric boat contract?—A. I have not.

Q. Made in November?—A. No, sir.

Q. They are both printed in these hearings, and are you aware of the fact that these printed contracts made by the same Navy Department, within sixty days of each other, contain within themselves on their face every single cardinal point to be built for or be built up to in these two boats?—A. I have not seen the contracts.

Q. It is in your power to read. It is in the record, and if you had read it you could not have avoided the conclusion that the Navy Department had undertaken to get efficiency and that tonnage was not the basis of comparison.—A. I think the Navy Department believe they have got to get tonnage to get efficiency and speed.

Q. Do you adhere to the proposition that the difference between the Lake bids and the Electric Boat Company bids are a difference of $320 or any other sum between the two?—A. I have not figured that out.

Q. Do you know anybody who has figured it out on this basis: The Lake Company proposes to build ten boats without reference to tonnage, but aggregating so many horsepower of surface speed, so many horsepower of submerged speed, so many minutes for transformation from the above-surface situation to the below-surface situation, so many feet, rods, or inches in which the ship can be turned after that, and if a comparison of that sort were made and the figures were accurately made, and it showed that the Lake turns one knot in excess or one knot less than the Electric boat turns, would it afford any argument in the sense you have used it?—A. I am not going to agree with you that tonnage does not affect the price.

Q. Precisely. Just as you would not agree with me that the shell of it would not affect a hickory nut, and nobody has ever been hickory-nut hunting that did not have in mind that there was enough of kernel inside the shell to make it profitable. And I am not saying it does not affect the price; but I am saying it is the very least part of the consideration. It is the least expensive part of the construction. Do you differ with me?—A. I do.

Q. Why?—A. I differ in this respect, that I think that either boat requires more expensive and more powerful machinery on a 500-ton boat than on a 350-ton boat; they have not only to make the hull larger, but everything else larger, and stronger, in about the same proportion, and it would not affect the price per ton to any great extent. That is my idea.

Q. How do you get at it that the larger boat requires more material and heavier machinery?—A. The purpose is to drive it faster, at a higher rate of speed, and that requires additional strength and power.

Q. And this is a more expensive boat than a boat of less power?—A. It costs more to build, of course.

Q. We can not differ about that, I think; we will pass on over that and get to this analysis of it. No excessive profit resting on that, then there is no incentive for this company to seek to corrupt, nor the Lake Company nor any other company to seek to corrupt?—A. If there is no excessive profit.

Q. *But whether* there is excessive profit is more readily and easily *and accurately* determined by persons having a knowledge of the

subject of building and the cost of building these things than a man in your position and mind, who never even has made a calculation on somebody else's data. Do you agree with that?—A. I will agree that from my knowledge of you you would buy them cheaper than either have been bought by the Government.

Q. That is on your theory that a good, shrewd business man would make a better bargain than the Navy Department has made. That is your proposition, isn't it?—A. I think so.

Q. But you have set yourself up to criticise the Navy Department and inferentially to say that they lacked shrewd business judgment, haven't you?—A. That was all brought out in my testimony the other day.

Q. You do not mind repeating it now, if it is good? They lacked business judgment, you say?—A. I think they made very poor bargains in letting these large submarines.

Q. You need not be tenderfooted about this; I am absolutely indifferent of any opinion you have of the Navy Department. Any opinion you have of the Navy Department has no part in this case.—A. I assume it has not.

Q. So that you may answer the question, if that is your judgment, if they lacked that shrewd business judgment that would enable them to make a better, closer trade for the United States?—A. That they lacked open competition.

Q. We will come to that. I am glad you reminded me of it. Isn't it true that you charge that they lacked this shrewd business judgment, and charge it without a knowledge of the subject-matter actually acquired, or even a knowledge of the facts that could be got by the exercise of your brains in making calculations?—A. No; I do not agree with that. Those are your words. They are not mine.

Q. Then I will get the words out of you. What do you know about building a submarine boat?—A. I have had no experience.

Q. What do you know about the cost of building submarine boats?—A. From the testimony that has been given from day to day by expert men who do know.

Q. Is there a single instance in which that express testimony has been applied concretely to any given, named boat?—A. No, sir.

Q. Then have you made any calculation based on data furnished by any of those experts?—A. No, sir; but I believe——

Q. Then how are you in a position to know?—A. I believe these boats can be built for even less than Bowles's figures.

Q. I know you believe very much as a man entertains his belief in his Maker. I want to know, now, when you reduce it to the element of what your knowledge is based on?—A. I have told you what my knowledge is based on a number of times.

Q. It is ignorance on this subject?—A. On the testimony of eminent men, practical men, and men of good business ability.

Q. Do you think by a close——A. I would rather have Bowles's testimony than a good many others, because——

Q. What would you say of the judgment of a man that would send a man to look after a certain piece of real estate that he had an idea of buying, and that man came back and said that this is too cheap or too expensive, either way, and the fact turned out to be that he had never seen the piece of real estate and had never inquired about the *value of the property* or the property around it, and had never ap-

plied any intelligence to ascertain the facts on which that opinion should be based?—A. That is not a fair comparison.

Q. Point out the unfairness of it.—A. It is not a fair proposition.

Q. Point it out.—A. I simply stand on the testimony of Melville, Bowles, O'Neil, and Lake, that he is ready to take a contract to build seven boats exactly like the *Octopus*, equal to it in efficiency, of the same size, at $745 a ton, and if he can do it, if he wants to do that he is not going to do it without he is going to make a profit on it.

Q. That is relying on the opinion of the person you have named?—A. When a man stands ready to take a contract it is pretty good evidence.

Q. That is relying on the opinion of the person you have named?—A. Yes, sir.

Q. That is not an opinion of your own?—A. No, sir.

Q. It is no judgment of your own?—A. I make up my judgment and opinion from the testimony of these people.

Q. In this case it is not a question of making up your mind; it is more the adoption of somebody else's, isn't it?—A. Well, I form my opinion from——

Q. Call it what you please; it is perfectly immaterial. You base it on what these men have said.—A. Yes, sir.

Q. If Lake said that price was a fair price, what would you think if I said it was not true? If Admiral Bowles said that the price per ton that he testified to in 1902 he has discovered to be an insufficient and inadequate price in view of his actual experience in construction, what would you say?—A. I do not care to answer that question. Admiral Bowles is in an entirely different position now than he was then.

Q. Wait a minute. The question is hypothetical. Now, will you insist that Admiral Bowles, because he has gone into the business of building these boats, is less credible, less worthy of belief, than when he was in the business of buying these boats?—A. I should prefer to have had his opinion when he was buying boats.

Q. If he was still in the business of buying boats?—A. I would rather have it if he was still buying boats. He could not help but be prejudiced when he is selling his own boats. He will get all that he can, of course.

Q. But if Admiral Bowles says that he has derived information, he has gotten information, the result of experience in actual construction, that convinces him that his testimony in the absence of this experience was not correct, would you say that his character was therefore less by his change of occupation?—A. I would prefer to see how he made up his figures as to the costs.

Q. What about Lake? You have quoted him on one side of this question, now about the other.—A. What Lake?

Q. Simon Lake.—A. What is the other side?

Q. Simon Lake said this was not an exorbitant and extreme and unusual price.—A. No; I would rather see his figures.

Q. What about Flint, who sold boats for Lake in Europe, and testified that this Government was not paying any materially different price than the European governments were paying?—A. These men are all making boats to sell, and I do not think their testimony is of *any value.* It would not be to me if I was a buyer. They are people *that are making* boats to sell, and they are going to try all sorts of

costs in their boats that you and I might not agree upon if we saw the figures. I would not place much reliance on testimony of that character without knowing how they made up those figures.

Q. Now, then, Admiral Capps has not yet gotten into the business of making them to sell. He is, up to the present time, engaged in the business of estimating the cost and value, on the buying side of the Government. If he says that no such excessive profits as you have named or anything that approaches it was made——A. I do not think he is in a position to know, not having built any. Personally, I should like to see the Government build a few, then they would know about what they cost. I do not think that Capps is in any position to give expert testimony on their cost, unless he has had some experience in knowing what they do cost beside buying them.

Q. It does result, then, that you do know that Capps does not know, and it results that you do not know——A. Those are not my words. I do not wish to make that statement.

Q. I will not trouble you about that. I will take it all out of the record if you want. The clear inference is that you do know that Capps does not know what the fair price for submarines is; you do know that Bowles is not good authority for the price of submarines, when he has built submarines, and was good authority for the price of submarines when he had never built a submarine?—A. He made figures when he was here before, and I would like to see him make the figures now.

Q. Well, Capps has made the figures. If you do not believe anything but figures, why don't you do more of your own figuring?—A. I would not attempt to keep my own books. I could not do very much business if I had to do all my own figuring.

Q. Oh, well, you are mistaken about what it takes to do business. You have been influenced very largely by the opinions of others, according to your testimony, in these matters.—A. I think all people are influenced by the opinions of others.

Q. You have been very decided——A. I have not been living on a desert island all alone.

Q. You have shown by the choice which you have made, by the sources of information, as to whether you would be influenced by them or not. Do you know Senator Bulkeley?—A. I do.

Q. Do you know Senator Brandegee?—A. I do.

Q. Have you talked with them on the subject-matter of this investigation?—A. I do not recall having any talk with either one of them.

Q. Was not Senator Brandegee your predecessor on the Naval Affairs Committee?—A. I mean since I introduced the resolution.

Q. And he represents Connecticut in the Senate?—A. Yes, sir.

Q. He is a good business man?—A. Well, he is not what you would class as a business man; he is a lawyer.

Q. Has he got any sense?—A. I think he is a very bright man.

Q. You do?—A. I do. I think all lawyers are bright men, but they are not all good business men.

Q. Has he got any business sense?—A. I don't think——

Q. Could he make a good nutmeg trade?—A. He is not in active business.

Q. What is your opinion of his business capacity?—A. I do not care to express an opinion of Brandegee's business capacity.

Q. Would you take his opinion as influencing your own?—A. It would depend on what it would be on.

Q. On submarines.—A. On the cost?

Q. Cost; utility.—A. He might have some influence with me in the gathering of opinions from all sources.

Q. You served in the same capacity, on the same committee, from the same State, representing the same interests?—A. I do not think Senator Brandegee served quite as long.

Q. He may have served more diligently, and that may have made up the time.—A. He undoubtedly may have.

Q. You never discussed it with him?—A. Not this investigation.

Q. You have never taken his advice?—A. On this investigation?

Q. On this investigation.—A. No, sir.

Q. You know Senator Bulkeley?—A. Yes, sir.

Q. He represents the State of Connecticut in the Senate?—A. Yes, sir.

Q. Is he a business man?—A. A splendid man.

Q. A splendid business man?—A. A splendid all-round man.

Q. What is his profession?—A. Well, he is a business man.

Q. That delights your heart, I don't doubt. Now, about submarines; have you consulted with him about that?—A. I have not.

Q. Doesn't he vote on this subject in the Senate?—A. He does.

Q. How?—A. I do not know. I have not been there.

Q. You have not heard?—A. No, sir; I have not heard.

Q. You have not inquired?—A. No, sir.

Q. You do not follow the submarine question and talk to the other chamber?—A. I have been pretty busy here for a couple of days.

Q. I do not mean this immediate week, but do you not look out for the Electric Company over at the Senate?—A. No; not at all.

Q. You do not hunt them over there?—A. No, sir.

Q. You see no sign of them over there?—A. No, sir.

Q. No tracks are on the Senate?—A. I don't bother about the Senate.

Q. No tracks about it?—A. I presume there might be tracks there.

Q. Have you looked to see?—A. I never have been over to the Senate on the submarine business.

Q. Have you heard any rumors that came from over toward the Senate? You have a good ear for rumors? Do you hear any rumors from over at the Senate?—A. No, sir.

Q. Do you think that Senator Bulkeley would like to know what a good trade or a good fair price the submarines were if you let it in the room?—A. I do not think Senator Bulkeley has ever given it any study.

Q. Do you know how he votes?—A. I do not.

Q. If you would undertake to talk to Senator Bulkeley, what information could you give him about your study of submarines, as a business man?—A. I could give him what the reports and figures——

Q. But you never read them.—A. Oh, yes; I have.

Q. I thought you had limited them to the extent at which you had read them this morning. But you think well of him?—A. Oh, yes; he is a splendid man.

Q. An honest man?—A. I think so.

Q. Where did you find him? What kind of a light did you have when you found him?—A. I think that a very great majority of

people are honest. I should be very sorry if you gathered any such opinion from anything I have said.

Q. Now, Senator Bulkeley and Senator Brandegee and yourself—or leave yourself out of it—went to the Secretary of the Navy and asked the Secretary to give a square deal to these people?—A. They went to the Secretary of the Navy.

Q. Do you know what about?—A. To ask that the Lake people be given a chance to figure on a part of the boats.

Q. How much of it?—A. One boat.

Q. At what price?—A. Four hundred thousand dollars, as I remember it.

Q. Four hundred and fifty thousand dollars, wasn't it?—A. As I understood the conversation—I didn't take any part in the conversation—I understand the extra amount over that was allowed on account of the interest charged for the money—that they did not advance any money for twenty-seven months, as I understood it, and some allowance was made for that.

Q. How much?—A. I do not know the figures.

Q. Do you think that Senator Bulkeley's acute business instincts had anything to do with getting that allowance for interest in?—A. No.

Q. You call that a good, sharp trade?—A. Nothing of that kind was talked at the time I was there. I don't know whether he was there at any other time or not.

Q. That was good, sharp business, wasn't it?—A. I think the price on that boat was a fairer price than any they have ever bought, but still I think they ought to have bought it for less money.

Q. You keep getting into trouble about the prices of boats.—A. I am saying——

Q. I know that, but the Government does not usually pay interest on claims, does it?—A. No, sir.

Q. And in this case this arrangement or agreement——A. I have nothing to do with the agreement.

Q. I am talking about Senator Bulkeley. I am talking about what a shrewd, successful business man could do.—A. Ought you not to get Senator Bulkeley to testify to this?

Q. It is not necessary. You can tell me what you think of the business shrewdness of the trade that resulted.—A. I do not think he had anything to do with the contract.

Q. But he had to do with bringing about the agreement of the two minds that resulted in the contract that somebody else put in form.—A. I think he had as much to do with getting the opportunity for the Lake people to figure as anyone.

Q. Are you personally aware of what his efforts were in that direction?—A. I only met him there once.

Q. You met him there once. Do you know, from hearsay even, what else he did or where else he went?—A. No, sir.

Q. With a view to making that contract?—A. No, sir; I have never talked to him about it.

Q. You are convinced that his contract was a cheaper one for the Government than any contract, or the present contract that they had with the Electric people?—A. Yes. If they had been buying it in the ordinary way, paying for it in the ordinary way, I think *this was altogether too* much.

Q. That is the only difference put down?—A. That is the only difference put down.

Q. And for that the Government pays $90,000.—A. Yes, sir.

Q. For that 1 knot of speed?—A. And the larger boat.

Q. Now, then, do you still adhere to the proposition that that is the cheaper boat?—A. Yes; I think so.

Q. In the face of those facts?—A. I still adhere to the proposition that the general cost must be based on tonnage.

Q. If you have got that in your head you are perfectly consistent. I won't contend with you any longer; a man who honestly entertains that conviction can not conceive the proposition I have been trying to discuss.—A. I can not see that the smaller house costs as much as the bigger one.

Q. But you said another thing; you said that this last Lake contract was made on better terms with the Government because it was a contract under competition, did you not?—A. Why, the competition was removed so far as this one boat was concerned.

Q. What did you mean by that?—A. After the Attorney-General's opinion was rendered it left the market open.

Q. Was there any competition as to this boat?—A. I do not know; the Government probably was satisfied with the price.

Q. Did you and Senator Bulkeley and Senator Brandegee and the other members of the Connecticut delegation go to the Navy Department and ask for competition or ask for a contract?—A. I did not ask for anything.

Q. You ought not to have gone there; you simply confuse the situation. We will leave you out, where you wanted to be. When your colleagues went there were they asking for competition or asking for a contract?—A. They were asking the Secretary to use his discretion under the ruling of the Attorney-General.

Q. In their favor?—A. To give the Lake people a chance to figure on one boat.

Q. They did not have to get the consent of the Secretary of the Navy to figure?—A. Perhaps the Secretary of the Navy would not want to do business with them.

Q. Of course he did not; he had no authority, as he conceived it, to do business with them. Don't you misstate it when you say he asked the Secretary for permission to figure? State it like you know it was.—A. They went there to see the Secretary of the Navy undoubtedly in the interests of their constituent.

Q. How; specify.—A. To give them a chance to figure on one boat.

Q. What do mean by a chance to figure on one boat?—A. I mean a chance to get a contract; it means the same thing.

Q. Of course it does; why did you not say it when we first asked about it?—A. It was the same thing.

Q. Then there ought not to be so much trouble about saying it. They went there for the purpose of getting the Secretary of the Navy to give them a contract out of the reserve portion of that appropriation?—A. They went there, as I understand, to see the Secretary of the Navy about the proposition of giving the Lake people a contract for one boat.

Q. The part of that appropriation that had not been allotted to *the Electric Boat* people; that is right, is it not?—A. I understand *it so.*

Q. Now, then, what competition was there and what competition could there be when the Secretary of the Navy was considering making this contract for the Lake boat?—A. The price had to be satisfactory to him, or they could not have gotten the contract.

Q. The price had to be satisfactory to them; satisfactory to whom?—A. The Secretary.

Q. The Secretary of the Navy? How was the Electric Boat Company concerned, or could they be concerned, in any bid they were permitted to make to affect that price?—A. I think that if they had put in a bid to build a 500-ton boat exactly on the specifications that the Lake people put in their bid at a less price, that they would have been considered.

Q. Were they permitted to do it, or were they invited to do it?—A. If they had done it, they undoubtedly would have gotten the contract.

Q. Aren't you undertaking to talk as if you were the Secretary of the Navy?—A. I am talking about the way it looks to me from a business standpoint.

Q. You did not go about the Secretary of the Navy's office much at that time; yet you are saying what could have been done if they had done so and so?—A. They were not in a position, of course, to make a very low price, after having gotten a contract before for $1,059.

Q. Don't you know, as a matter of fact, that the Secretary of the Navy felt when they applied for all of this appropriation that they had gotten all that he could give them or would give them?—A. I do not know that.

Q. Don't you know that they applied for the whole of the appropriation?—A. Not of my own knowledge.

Q. Then you have dealt somewhat with rumors in your life. Did you know it as a matter of rumor?—A. I have heard it stated so here, if I am not mistaken.

Q. Didn't Neff tell it to you when he went to your town, to Waterbury, to see you and get you to send that telegram?—A. I don't know anything about that.

Q. When you sent that letter that you wrote, didn't you know it, that it was the understanding that the Electric Boat Company was offered the bulk of this provision?—A. There wasn't any talk about that that I recall.

Q. Let us get away from that; let us get down to facts. Don't you know, as a Member of Congress and as a man of intelligence, that some time in the fall, in November or December, that the Secretary of the Navy had allotted as much of the appropriation to the Electric Boat Company as it was his intention to let it have; don't you know that?—A. I don't know what his intentions were at all, Mr. Howard.

Q. Don't you know when you were asked to go to the Navy Department you were asked to go there to apply for the remainder of that appropriation, amounting to approximately half a million dollars?—A. But it does not follow that I knew what the Secretary's intentions were.

Q. Let us leave that out; let us go back to your intentions. Don't you know that you went there for that purpose?—A. I knew that

I went with the Connecticut delegation for the purpose, as I understood, of asking the Secretary to give the Lake people a chance to contract for one boat, provided the terms were satisfactory.

Q. To the Navy Department?—A. To the Navy Department.

Q. And that was done, was it not?—A. I suppose it was.

Q. Don't you know it was?—A. I have never seen the contract.

Mr. OLMSTED. You have just been reading it over.

A. The contract?

Q. Yes. Here is the contract printed; both of them are in there for your benefit. Don't you know it as well as any facts that you have spoken about in this investigation?—A. No; however, that I know from a third party.

Q. Do you count me a third party?—A. The Secretary has never told me, and I do not know that they ever started on any contract.

Q. You do not believe it?—A. I do not know that they ever started to build any.

Q. Don't encourage any doubts on any subject connected with this investigation because the bulk of your case is one of doubt, and it will not do for you to become too doubtful, but let us go back to the fact; you do know that you went there and asked for a part of the appropriation without competition.—A. I have explained that, Mr. Howard.

Q. Didn't you get the contract without competition?—A. I don't know; I had nothing to do with the contract; I don't know whether the other people put in a proposition to build a 500-ton boat or not.

Q. Don't you know that they were refused an opportunity to bid for the remainder of that appropriation?—A. I know we did not get the remainder of the appropriation.

Q. Don't you know that they asked for it?—A. They asked for it, undoubtedly.

Q. Don't you know your calculation as to the profits they would receive was based on the proposition that they would get all of it?—A. No, sir; based on the supposition of the part they got.

Q. You do not know that. Now, then, answer this: Was the Lake boat contract made with or without competition, on your oath, as you understand the facts in this investigation?—A. Competition was open to them. Whether the other people were asked to put in a price on that kind of a boat is a thing that I did not know, but I do not think that they did; but the competition was there.

Q. What competition was that?—A. There was another company building boats that was not shut out by any law.

Q. I am speaking of competition, in view of the facts that surrounded this contract.—A. I had not anything at all to do with the contract.

Q. You have already answered that the other seven boats were contracted for. Now, as a matter of fact, don't you know that when you and the other members of the Connecticut delegation and the Senators went to the Secretary of the Navy and got this decision through the Attorney-General they insisted that a part of this appropriation should be given in the contract to the Lake people?—A. There was no insistence at all; no one insisted.

Q. What did they do?—A. Senator Bulkeley did the talking. I do not remember the conversation. I think that he asked them to give *them a chance* to build one boat. There was some talk about a con-

tract; that the contract had to be satisfactory to the Navy Department and the price.

Q. Now, then, was the price agreed on at the first time?—A. I do not think the price was agreed upon.

Q. Don't you know as a matter of fact they proposed one price in the Navy Department and they beat it down to another price?—A. I do not know on this one boat.

Q. On the one Lake boat?—A. I do not know.

Q. Did you try to know?—A. No, sir.

Q. Could you not know? Have you not talked repeatedly during this investigation what a just bargain the Government had made with the Lake people and the bad bargains it had made with the other people, and did you not know the facts about it?—A. I do not recall talking about it repeatedly, except to answer questions. I am not going to agree with you, Mr. Howard, in the difference in the cost of these boats, or on the fact that a 360-ton boat is as good as a 500-ton boat and worth as much to the Government.

Q. You entirely misunderstand me if you think that I want you to agree with me. That is a matter of no concern.—A. I am testifying to my opinion.

Q. That is not a question of anything on earth but the simple fact that surround the making of that Lake boat contract; was there or was there not competition?—A. There could be competition.

Q. As a matter of fact, was there any competition?—A. The competition was open to the Department; there was no law that prevented it.

Q. You went there to shut it off by getting the Department to exercise its discretion?—A. I did not go there to shut off competition.

Q. Conceding that you did not, as a matter of fact, was there any competition in the letting of that boat; did not the Lake Company bid against the Navy Department singly and alone?—A. That does not remove the fact that there was opportunity for competition if the Navy Department wanted to exercise it.

Q. No; you had foreclosed that; you had shut the door by your political influence, which you brought to bear in force.—A. I do not agree to that; I do not subscribe to that.

Q. What did you do?—A. Asked the Secretary of the Navy to give the Lake people a chance on that one boat.

Q. Well, why didn't they get a Waterbury policeman instead of a Connecticut Congressman to do it? Now, why?—A. I do not think that is a fair question, Mr. Howard.

Q. You have just stated you could not agree that any political influence you exerted had anything to do with the Navy Department; then, if there was no element of political influence——A. Mr. Howard, you are using words which you say that I have just said. I do not think you are using my language.

Q. I hope I am not.—A. You are making these statements.

Q. I am trying to get you to make some.—A. I am not going to make your statements; I am going to make my own, and make the statement just exactly as I believe.

Q. I want you to make it in accordance with what you recall the facts to be.—A. That is what I have tried time and time again.

Q. *You insist, in face of the facts, that the Lake boat contract was made under competition?*—A. I have said that there was no law

at that time, that the Attorney-General having rendered his decision, that shut out competition to them if they had wanted to avail themselves of it.

Q. Who?—A. The Navy Department; the Secretary of the Navy.

Q. The Secretary of the Navy shut out competition?—A. I did not say that.

Q. What you did say means that.—A. I do not think I can repeat it any clearer than I did in my last answer.

Q. Try it; I will try to give you the best attention that I can.—A. At that time it was open to the Secretary of the Navy——

Q. That is a metaphor.—A. There was nothing in the law, as I understand it, after the decision of the Attorney-General, that prevented the Secretary of the Navy from dealing with both companies or any third company, for that matter, for this odd boat.

Q. I will agree with that. Now, then, will you agree with the further fact that after that law was decided to be such as you have stated that the Secretary of the Navy awarded seven boats to the Electric Boat Company and one boat to the Lake Boat Company, and made each of those two contracts without competition, one against the other?—A. I have said that competition was available in this last boat, if he did not exercise it——

Q. I am asking you if you will be candid enough to so state the facts to say, as a matter of fact, that competition was not availed of?—A. Certainly; I will agree to that; I agreed to that at the start.

Q. Then, you will agree that this Lake contract was made without competition in fact; not as a matter of law, but as a matter of fact it was made without competition?—A. Yes; but competition was available.

Q. Exactly; just as the moisture is in the clouds, but there is no rain just at that moment. Now, that being true, is it not a fact that the price the Government agreed to pay for a Lake boat, whatever it was, was free from the influence of competition, of actual competition?—A. No; I think they drove a very much sharper bargain with the Lake people. In other words, I believe the Lake people had to make a very favorable price even to get that one boat.

Q. I thought you did not know anything about that contract?—A. Why, we have been reading it over right here.

Q. I thought you had not listened to it?—A. I knew the price per ton; I told you that at the start.

Q. How did you know they made a much more favorable contract?—A. Because the other people got $1,059 a ton and these people less than $900.

Q. Their first price was over that?—A. Probably; I don't know about that.

Q. Five hundred and twenty-five thousand dollars, and they dropped down to $450,000, and $25,000 of that was an allowance for interest.—A. I think they could have dropped down a good deal below that, probably.

Q. Did the Connecticut delegation urge that that could be done?—A. Senator Bulkeley did the talking; we were only there less than five minutes.

Q. He is a good business man?—A. There was no urging.

Q. He asked it, requested it?—A. Yes; Senator Bulkeley did.

Q. Requested?—A. Requested it.

Q. And he requested the Secretary of the Navy to do what he, as a Senator of the United States, was willing to stand up for, as a fair and reasonable thing to do, did he not?—A. Please put that again.

Q. Senator Bulkeley in asking the Secretary of the Navy to award this contract to the Lake Boat Company for this boat at the price named, at the price agreed on, or what was a fair price, was a reasonable thing for a Senator of the United States to do?—A. I think so.

Q. Then, was it a fair and reasonable thing for a Member of Congress of the same State?—A. I think so.

Q. Then, if this was a fair and reasonable price agreed to be paid by the Government for the Lake boat under these conditions, then you agree that it was a fair and reasonable thing to do?—A. Yes, sir.

By Mr. OLMSTED:

Q. Mr. Lilley, I have just a few questions to ask. You stated in answer to one of Mr. Howard's questions that you did not do the figuring on the cost of submarine boats yourself?—A. Not to any extent.

Q. You said that you had somebody else to do the figuring?—A. Yes, sir.

Q. I have curiosity to know who that was?—A. Mr. Webster, I think.

Q. You mentioned a Yale student or Yale graduate; that is Mr. Webster?—A. Yes; he had something to do with it.

Q. Was he the same Yale graduate who sent the forged letter to Mr. Edinborough, signed Smith?—A. Yes, sir; if you call that a forged letter; I do not know.

Q. And signed somebody else's name to it. Was that the same Yale graduate who signed your name to the letter to Mr. Goff, which you have since been called upon to repudiate?—A. Yes, sir.

Q. Would you prefer to have his figure of the cost of submarine torpedo boats rather than that of Admiral Capps?—A. That does not make any difference who figures that, as long as they have got the data there. You might just as well ask me if I would prefer to have Admiral Capps as my bill clerk at Waterbury as to have a 10-year-old boy, if they could do the work.

Q. Did you make your judgments on the prices and costs of submarines upon Mr. Simon Lake's testimony to any extent?—A. Admiral Bowles, Admiral O'Neil, Admiral Melville, and Mr. Simon Lake was the basis. Those first three, without Lake, was the basis of my figuring the cost.

Q. Would Simon Lake's testimony have any weight with you at all on that question?—A. He testified that he would build seven boats at $745 a ton. I have no doubt but that they would build them at $645 if they got a chance.

Q. Did he not at the same time give the impression that he would lose money on it?—A. No, sir; he did not give me that impression.

Q. Didn't he say he would lose money on it?—A. No, sir; he said a half loaf was better than no bread.

Q. So he considered that would be a half loaf?—A. A man might say that if he was getting two prices.

Q. You said you would not take Admiral Bowles's testimony now because he is making and selling boats?—A. I would rather see his figures now when he is building boats for the Government.

Q. In other words, you would not place so much reliance upon the figures of a man who was making and selling boats, who was making boats and selling them, or trying to sell them?—A. If he is an interested party. If he is not an interested party, why, I would.

Q. A man who is making boats and selling them is always an interested party.—A. Making them and selling them to the Government.

Q. Selling them to anybody.—A. He has an interest in getting the highest amount of money that he can get.

Q. Then you would look with disfavor or incredulity upon the figures of a man who is making and selling boats?—A. I would rather have disinterested testimony, Mr. Olmsted, in any matter of values.

Q. Now, then, you have testified you were unwilling to accept Admiral Capps's testimony because he never made any boats.—A. I have not said whether I was willing to accept it or not accept it. As I remember, I have said this, that I thought that he paid too much for the boats.

Q. Your reason for not accepting his statement when he said here he thought they made a very small profit on the Electric boat——A. I think he is mistaken.

Q. Did you not give as a reason for being mistaken that he never had made any boats? You said that in answer to one of Mr. Howard's questions; do you not recall that?—A. I will take your word for it.

Q. You need not take my word for it; it is in the record. What I want to get at is whose testimony we are to take; if we can not take the testimony of a man who makes the boats or those who never made boats because they never made any, how on earth would we know what a reasonable price was?—A. I would suggest it would be a good plan to take a set of these plans to Cramp and the Newport Iron Works——

Q. Must we then exclude the testimony of everybody except Mr. Webster as to what it would cost to make a submarine boat?—A. I do not think that is a fair question.

Q. Whether you meant it or not, you did say you were not willing to accept Admiral Bowles's last testimony, because he was engaged in the business of making boats.—A. He is an interested party.

Q. Of course he is; everybody that makes boats is interested. You were not willing to accept Admiral Capp's judgment because he had never made a boat?—A. I would not accept any man's prices that wanted to sell me goods.

Q. You do not mean to say you would have to pay him his price.—A. I would not accept any man's statement on the price of real estate or that a house cost him so much money that he was trying to sell, and I would rather have some disinterested party appraise it.

Q. Suppose Admiral Bowles made a statement under oath that the boats or property he was trying to sell you cost a certain amount of money? Would you doubt him then?—A. I should want to see his figures, Mr. Olmsted.

Q. If Admiral Capps said a certain thing as to the cost of submarines, you would not be willing to accept his figures because he never made any?—A. I would believe Admiral Capps was sincere.

Q. But you would not accept his figures because he never made submarines; that is what you testified? I am just trying to see where we are left on the question of determining cost?—A. I do not think I said it in just that way.

Q. When you went with the other members of the Connecticut delegation to the Secretary of the Navy in reference to this contract, did you object to the price paid or to be paid to the Lake Boat Company for their contract?—A. I did not take any part, as I remember it, in the conversation.

Q. I am trying to find out, did you take any part in the way of objecting to the price the Lake Boat Company asked?—A. I do not think there was any price argument there. The Secretary of the Navy indicated a willingness to deal with the Lake people on the contract.

Q. Well, now, then, when he indicated that did you say to him that you thought that the price ought not to exceed $745.45 a ton?—A. I did not say so; no. I was not asked to give any advice.

Q. No; but you say a good many things without being asked when you are looking after things for the Government. The Connecticut Senator, being, as you have said, an able and honest man, one of them having served on the Committee on Naval Affairs and being presumably familiar with those matters, and the other, as you stated, as being a splendid business man, why did you not consult with them before introducing your resolution?—A. Well, I do not consult very much with people about what I am going to do; I do not care to bother them.

Q. Did you consult with them?—A. No, sir.

Q. Or either of them?—A. No, sir.

Q. Or talk with them about it?—A. No, sir.

Q. Or say anything about it?—A. No, sir.

Q. Or they to you?—A. No, sir.

Q. Now, Mr. Lilley, would not open competition, as you call it, result in giving the contracts for the boats to the lowest and best bidders?—A. Yes, sir.

Q. And when you wrote to the Secretary of the Navy asking him to divide the business, that did not mean open competition, did it? A. Well, that is what I meant; I think it says something in there about open competition.

Q. You asked him to divide the business and give the Lake Boat Company a part of the contract?—A. I wanted them to have a chance to make figures.

Q. Just to make figures. You wanted them to have a contract.—A. I said a while ago to the lowest bidder for the best goods, and that is the only thing that I am contending for.

Q. When you let the contract to the lowest bidder, they do not divide the business; that gives it all to the lowest and best bidder.—A. Will you please read the letter?

Q. I have read the letter.—A. I do not think it says divide the business.

Q. It does say divide the business. I have read it a few minutes ago.—A. Will you let me see it, please?

Q. Here is the language of a good business man, I will give you credit for that. I am not going to dwell upon the letter, but this is the concluding *paragraph*: "I sincerely hope that before awarding *the contract you will* examine not only the reports of the seagoing

tests, but also the plans and specifications submitted by the Lake Company, and that you will see your way clear to divide the business." Now, does divide the business mean open competition?—A. If he sent out bids for the eight boats——

Q. You did not ask him to send out bids for the eight boats; seven boats had already been let; there was only one more contract to be let.—A. If there was only one more contract to be let for a boat; I can not see how that applies.

Q. The only way he could divide the business was to give the contract to the Lake Company?—A. Yes, sir; but I did not ask him to give it to them on anything but a fair basis.

Q. You did not say anything about the basis, did you?—A. No, sir.

Q. Nor in your letter to the Department?—A. No, sir.

Q. Now, Mr. Lilley, when you speak of open competition all the way through have you not meant something a little different from what that term might be construed to mean? Now, open competition would lead to the conclusion that the user of the phrase meant that there should be open and free competition for all boats and the lowest and best bidder to get all the contracts.—A. That is my idea.

Q. Another idea that I have gathered from some part of your testimony was that you thought it was better to have two companies in existence, otherwise, if it were only one, and the one were driven out and did not get anything, the other one might eventually get a monopoly.—A. My idea would be to have as many companies as possible.

Q. If the lowest bidder got all the contracts the other company would be out of business. I simply wanted to know if I understood you some days ago when you were on the stand for open competition you meant that there should be more than one company and as the result of competition possibly the contract should be given to the other company.—A. I think it is pretty plain to encourage competition would not limit it to one company.

Q. The more the merrier, of course. But what you mean by open competition is that the contract should be let to the lowest and best bidder?—A. Yes. Give everyone a chance to bid.

By Mr. STEVENS:

Q. You have stated in your testimony to Mr. Howard and Mr. Olmsted that there was competition at the time that Lake contract was let?—A. There was some money unexpended.

Q. There was a chance to bid at that time under the law.—A. I understand so.

Q. Then why did you swear before us in your testimony of March 9 the following: "I also submit as one of the facts influencing me to introduce my resolution that in my judgment under special and exclusive legislation the Electric Boat Company and its predecessor had already received from the United States an excessive profit of more than $1,000,000," when there was no such thing as special and exclusive legislation?—A. Oh, yes; there had been. Seven boats were let under it.

Q. Was there at that time special and exclusive legislation?—A. There was always attempt to make legislation special and exclusive.

Q. Was there any such thing at that time as special and exclusive *legislation*?—A. At what time?

Q. The time this contract was let, and at the time this testimony was given.—A. At the time the contract for a submarine boat was let they had not the opinion of the Attorney-General, and I understand that no one else could figure.

Q. The law was just the same?—A. The law was the same.

Q. Then, as a matter of fact there was no such thing as special and exclusive legislation?—A. It was intended to be special and exclusive.

Q. You said that there was special and exclusive legislation. Now, was that true?—A. By the opinion of the Attorney-General, afterwards rendered, that statement would be correct.

Q. If that is true that there is no such special and exclusive legislation after the opinion of the Attorney-General was rendered, in August, why did you swear that there was in March following?—A. What do you mean by following?

Q. That is March?—A. It had been passed by the Naval Committee—exclusive legislation.

Q. That statement had no reference to special legislation; it had reference to past legislation.—A. Well, I think it was intended to be exclusive legislation, and that it was exclusive legislation until the Attorney-General rendered his opinion.

Q. You know very well the opinion of the Attorney-General does not make the law, do you not? It is the act of Congress that makes the law, you know that?—A. Yes, sir.

Q. The opinion of the Attorney-General did not change the law, you know that?—A. Well, yes.

Q. It is only the construction of the law already in existence?—A. Yes, sir.

Q. And that the law was not changed after the 4th day of March last, or has not been changed since that; you know that?—A. I know it was the general impression.

Q. That has nothing to do with it; you know the law has not been changed since the 4th of March last?—A. Yes, sir.

Q. Then, why, after you had done as you have indicated you have in your testimony with Mr. Howard and Mr. Olmsted, why did you swear after claiming that there was competition, why did you swear that there was a condition as exclusive and special legislation?—A. Well, the special legislation was exclusive and special enough, and there seemed to have been more attorneys present that think the Attorney-General was wrong than think he was right, so that I do not think that the law has been changed by the opinion of the Attorney-General.

Q. You know, as you stated to Mr. Howard, that there was no such thing as exclusive legislation, and there was competition, so that the Lake Boat Company did get the business, don't you.—A. No; I thought that the law was exclusive.

Q. Then why did you ask that the Secretary should violate the law and make a contract?—A. I had not finished my sentence. I thought that the law was exclusive until after the Attorney-General had rendered his opinion, and since I have come before these hearings here I do not know whether his opinion was correct or not. Senator Thurston says it was.

The CHAIRMAN. *There are three questions I want to ask you, Mr. Lilley. They have no relation to this matter of figures we have just*

been talking about. I wrote them out with some care because they relate to matters that you have testified to at previous times as we have been conducting the investigation. My only thought in putting the questions into this form is that perhaps the answers to the questions would help to clarify the situation a little and possibly point out that it was not necessary to have other witnesses here, as the time is coming now when we must send for the other witnesses that we want or for such books and documents as we want. I will read the questions slowly and you will see that they do refer to different parts of your testimony. If you will kindly take full time in answering them and if they harmonize with the actual facts in the case, and if they do not harmonize with what you testified before, or your recollection of it, of course you will be given ample opportunity to modify it, anything that you have stated before.

First, if the submarine proposition in the naval bill of this year has met with your approval so that it would have appeared that the supposed influence of the Electric Boat Company would not stifle the amount of full, free competition in submarines, would you have introduced your resolution No. 255?

A. I think I have testified that that was the final straw or the culmination of my introducing the resolution.

The CHAIRMAN. I very much wish that you could answer these three questions by "yes" or "no," because you will see the full bearing of them and their connections with what you have already testified about. If the naval bill of this year had contained a proposition for full, free, and open competition, which met with your full and hearty approval, would you have introduced resolution No. 255?

(Answer to the previous question was read to the witness.)

A. I can not give you any better answer than that. I can not say what I would have done because I do not know what I would have done, but I know that that had much to do with it; it was the final act that led up to it.

The CHAIRMAN. I may say, Mr. Lilley, that there will be absolutely no attempt on my part at any cross-examination in this matter. I am very confident that your attorney, Senator Brown, if he has read all the testimony, will see the full bearing of these questions.

Mr. BROWN. I consider the question very fair. Whether it can be answered or not I do not know.

The CHAIRMAN. It is simply to be answered upon full and calm reflection on your part, and calling to your mind particularly what you have already testified in a general way bearing on this subject.

If the bill had been in the shape that met with your absolute and hearty approval, this final straw being absent, would you have introduced House resolution 255?

A. No man knows what he would have done until he is confronted with the proposition. I think the chances are I would not. I think that was the last straw, as I have testified.

The CHAIRMAN. I am glad you have answered in that way, because you will see its relation to the question that comes. You do think now that you would not have introduced it if the naval bill——

A. I think that the chances are——

The CHAIRMAN. Is that the strongest that you wish to put it? I *wish you would* take ample time to consult with your attorney in *reference to it if* you have any doubt about the form in which you

should put your answer. What is your best opinion as to whether you would or would not have introduced that resolution if the naval bill had contained a submarine provision which met with your full and hearty approval, and provided for full, free competition, thereby indicating that the influence of this company in stifling such competition was at an end or did not prevail?

A. I do not think I would have introduced it.

The CHAIRMAN. Then I will ask you the second question. Did you not express orally or in writing the opinion on more than one occasion before you introduced your resolution 255 that if the naval bill could be amended so that it would provide for full, free, and open competition on submarines you would not think it necessary or wise to introduce your resolution for an investigation of the Electric Boat Company? I do not care to know how many.

Mr. BROWN. May I ask that the witness take your question and look at it?

The CHAIRMAN. As I say, take full time for this, but it is written out hurriedly, so that it could not be read. I will reread it. Did you not express orally in writing the opinion on more than one occasion before you introduced your resolution 255 that if the naval bill could be amended so that it would provide for full, free, and open competition on submarines you would not think it necessary or wise to introduce the resolution for an investigation of submarines?

A. Not on more than one occasion.

The CHAIRMAN. Did you on one occasion?

A. Substantially; I think I did.

The CHAIRMAN. I wish you would advise him to make it as clear and specific as he can.

Mr. BROWN. The chairman does not desire you to go into details.

The CHAIRMAN. No; absolutely none.

Mr. BROWN. The chairman asks you whether it was exactly so, whether you can say yes to it.

The CHAIRMAN. What I want substantially did not modify your opinion. Did you or not say substantially this?

A. I might have mentioned substantially that statement to one or two persons.

The CHAIRMAN. Did you not?

A. I can not recall positively, Mr. Boutell.

The CHAIRMAN. I wish you would be positive, then, as to your best judgment.

A. I think I made the statement substantially.

The CHAIRMAN. Three. Did you not on more than one occasion after the introduction of your resolution No. 255 express the opinion orally or in writing that if the naval bill could still be amended so as to provide for full, free, and open competition for submarines, so as to meet your full and hearty approval it would be wiser, if possible, not to proceed under House resolution 255?

A. No, sir. I do not recall any statement of that kind; not after the resolution was in.

The CHAIRMAN. Now, are you positive about that?

A. I do not recall after the resolution was in.

The CHAIRMAN. Your only statement was before you introduced the resolution?

A. Yes, *sir.*

Q. That if it were in that shape you would not have introduced it?—A. Yes, sir.

The CHAIRMAN. We would like to have, not to-night, but to-morrow, the production of the letter from Mr. Goff to you, and your reply alluded to. Also your letters to Mr. Lathrop, also all letters to or from you or to any person in any way connected with any Connecticut newspapers since February 1, 1908. Also the notebooks which Mr. Webster testified to, which you said you would produce; also the stenographic book of the stenographer. Also all letters from Mr. Lilley to any and all persons referring to the House, its officers, or this committee relating to this investigation or the proposed resolution of investigation since February 1, 1908. All letters and copies of letters. These of course to be examined in executive session of the committee.

Mr. BROWN. Will the chairman allow me one word, as I may possibly be called upon to advise my client in reference to these matters.

The CHAIRMAN. Yes.

Mr. BROWN. Yesterday afternoon, as I understood the situation, the committee asked Mr. Lilley if he would be willing to produce his letter book in which were copied letters that had been sent to any parties reflecting on the conduct of the committee carrying on this investigation. As I understood the situation at that time, it was simply an invitation to him to produce the copy book containing such letters, and with my advice, and for the reason that I have stated very briefly to the committee, he answered the particular question put to him by saying that in substance he was unwilling, although the particular words used were "I object." That is, he received an invitation, not an order from the committee, an invitation from the committee to produce such a book, and he announced his unwillingness. That, as I understand, is the present situation, and the answer was dictated to meet a certain question propounded by the committee. Now, if the committee should desire to make a ruling, not an order, in connection with the production by Mr. Lilley of copies of any letters that he has sent to any person, in order that I might advise him intelligently as to his legal duty in the premises, it does seem that the committee ought to frame its order, if it ever makes one, so that it will appear what purpose the committee wants the letters for. That would have a great deal to do with any advice I should have to give him. I think you would not suspect that I would want to advise him to disobey an act of Congress or to refuse to comply with such powers as you have under the Constitution of the United States that belongs to the House and delegated to you as a committee of the House, and I can not advise his rights unless I know the purpose you want the correspondence for, because that is the very basis as to whether he should or should not comply with the order. And I hope still that it will not be necessary to push the matter to the extreme, where there will be a conflict between the assumed power of the committee, on the one side, to make an order, and the assumed right, on the other side, to refuse compliance. I hope we shall not get to that extreme. When the order comes, if it is made, I should like to be heard by this committee after I know the purpose.

The CHAIRMAN. If it comes to the point of a declination in general terms then, of course, the committee will make a carefully prepared *demand for the* books, substantially in the legal effect of a subpœna *duces tecum.* I may say that Mr. Lilley, of course, is the last person

in the world upon whom we expect it will be necessary to make any order compelling him to do anything. Mr. Lilley is a Member of our body and interested, as we are, in the protection of the honor and integrity of the House, and it certainly would be with great regret that this committee would feel that any evidence which it was necessary for us to examine in executive session that was in his possession could not be had. If it should become necessary to make a formal demand the committee will make that carefully in writing, stating the reasons for it and the grounds for which we wish to examine the particular book.

Mr. BROWN. That is what I would like.

The CHAIRMAN. That is a rough memorandum. It may serve just for the purpose, perhaps, and the stenographer may write it out from that.

Mr. BROWN. If you desire it, gentlemen, the Goff letter, the original letter from Goff to Mr. Lilley, and the copy of the reply can be produced to-night. Mr. Lilley did not wish it to get into the newspapers.

The CHAIRMAN. All books and papers will be examined in executive session and none of them will be made public unless there is some reason why they should be spread upon the record.

TESTIMONY OF T. E. SPENCER.

T. E. SPENCER, being first duly sworn, upon being examined, testified as follows:

By Mr. OLMSTED:

Q. Where is your place of residence, Mr. Spencer?—A. Washington.

Q. Is that your voting place?—A. No, sir; I vote in Bridgeport, Conn.

Q. What is your occupation or profession in Washington?—A. I am an employee of the House.

Q. In what capacity?—A. I am on the police force.

Q. Are you on the day service or night service?—A. Both, alternately.

Q. What other occupation have you?—A. I am interested with Mr. Wallmo in furnishing correspondence to a string of Connecticut evening papers.

Q. Will you name the papers?—A. The Hartford Times, New Haven Register, the New Britain Herald, the Waterbury American, and the New London Day, and the Bridgeport Standard, and that is all.

Q. We do not care anything about anything you may have written about other matters, but have you written some matters concerning this submarine question?—A. Very little myself.

Q. What part did you take in it then?—A. On my off days I go to the various Departments and look up Connecticut affairs.

Q. Who writes the matter concerning submarine affairs?—A. Mr. Wallmo has written all of them.

Q. You have not written anything?—A. No, sir; I do not recall anything I have written about it at all.

Q. Do you know E. B. Spencer?—A. Yes, sir.

Q. Who is E. B. Spencer?—A. That is my wife.

Q. Is she a Government official?—A. She is a clerk to Mr. Henry, and was when I married her.

Q. Is she clerk to Mr. Henry or clerk to Committee on Public Buildings and Grounds and Committee on Expenditures?—A. Recently she has been made clerk to the committee. She has been with him, however, for ten years or more.

Q. What compensation does she get as clerk to the committee?—A. I understand she gets $6 a day; personally I do not know anything about that.

Q. What compensation do you get, Mr. Spencer?—A. $1,050 a year.

Q. Is Mrs. Spencer in the newspaper business?—A. No, sir.

Q. Does not do any newspaper work at all?—A. Not at all.

Q. Do any part of the writing?—A. Not a bit of it at all.

Q. Did you give the Waterbury Republican in that list?—A. No, sir; no morning papers.

Q. Who writes for the Waterbury Republican?—A. I don't know; I don't know at all.

Q. Did you see it occasionally?—A. No, sir; I have not seen but one copy of it this winter.

Q. Mr. Spencer, you are a Capitol policeman?—A. Yes, sir.

Q. Have you made any investigation about the employment of detectives by anybody about these premises?—A. No, sir; I have not.

Q. You have not made any investigation to see whether or not any detectives were at any time during this session employed at any time to shadow any Member of Congress?—A. No; I did not. Somebody telephoned over to the office one time when I was in the office, and I carried the report over to the other office. I believe I spoke to Mr. Webber about it the same day as it was telephoned to me. I don't know who telephoned to me; said Mr. Lilley had complained he was being followed by detectives and wanted to be protected. As it happened, I happened to be in charge at the office and received the telegram. I took it over to the captain's office—at least I went over and told Mr. Webber what I heard. In the telephone it said, whoever it was, it was in the new building and we were in the old building and had nothing to do with it.

Q. Did you locate any detectives?—A. I did not. I believe Mr. Lilley stopped me right by the door one time and pointed out a man and asked me if I had known him; said he had seen him quite often at his door and asked me if I knew him. I told him I did not.

Q. Have you seen him since?—A. Yes, sir; I saw him next day.

Q. Who was it?—A. I do not know.

Q. Have you seen him since that?—A. No; he was here at the time Mr. Lilley pointed him out and I saw him the next day.

Q. What did he do?—A. Standing at the end of the corridor and the next day he was out at streets New Jersey avenue and B street.

Q. Do you know what his occupation is?—A. I haven't the slightest idea. I didn't know the man, didn't know him then, and haven't seen him since nor before.

Q. Did he look like a detective?—A. I would not think so. I would not pick him up for one if I was looking for detectives.

Q. Would you have employed him as a detective from what you saw of him?—A. No; I would not. He looked like a chump to me.

(Thereupon the committee adjourned until Saturday, April 25, *1908, at 11* o'clock a. m.)

HEARINGS ON HOUSE RESOLUTION 288.

SELECT COMMITTEE UNDER H. RES. 288,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Saturday, April 25, 1908.

The committee met at 11.30 o'clock a. m., Hon. Henry S. Boutell (chairman) in the chair.

All of the members of the committee were present.

TESTIMONY OF HON. WILLIAM R. ELLIS.

WILLIAM R. ELLIS, being first duly sworn, on being examined testified as follows:

The CHAIRMAN. Mr. Olmsted, you will ask Mr. Ellis the necessary questions.

By Mr. OLMSTED:

Q. Mr. Ellis, you are a Member of the House of Representatives?—A. I am.

Q. From what district?—A. Second district of Oregon.

Q. State whether or not you are a member of the Committee on Naval Affairs.—A. I am.

Q. And have attended its meetings generally this year?—A. Pretty regularly; yes, sir.

Q. You were present at the meeting of February 10, when the votes were had on the proposed increase of the Navy?—A. That was the final hearing of the Naval Committee?

Q. Yes, sir.—A. Yes, sir; I was present at that time, most of the time. I was called out a time or two, but returned immediately.

Q. Do you recall how you voted on the battle-ship proposition?—A. I voted with the majority of the committee to report but for two ships, stating at the time that I reserved the right to vote for four on amendment in the House if there was any prospect of carrying it.

Q. How did you vote on the floor of the House?—A. I voted for four.

Q. You voted for submarines?—A. I did, sir. I voted for eight.

Q. Mr. Mudd offered a substitute; see if I have it right. Mr. Loudenslager first offered a proposition for eight submarine boats; then Mr. Mudd offered a substitute for the Loudenslager proposition. Do you remember how you voted on Mr. Mudd's substitute?—A. Well, I would say this, that at the time there was a gentleman from Portland, Oreg., without the door who was very anxious to talk with me, and I was passing out between every vote and going back in, and to the

gentlemen with whom I had talked, and who held the same views as myself, once or twice I said: "What is our vote upon this?" and voted accordingly with those gentlemen. And I could not tell you exactly as to those several substitutes.

Q. You are recorded as voting with Messrs. Foss, Mudd, Lilley, Ellis, Padgett, and Hobson, as voting in favor of the submarine proposition offered by Mr. Mudd.—A. I have no reason to challenge that vote. I think that is probably correct.

Q. Then I would like, Mr. Ellis, to ask you this: Whether in any of the discussions in your committee there was any relation between the four battle-ship proposition and the number of submarines to be voted for?—A. Not to my knowledge, sir; I do not know of anything of that character; that is, where one was contingent upon the other.

Q. Yes.—A. I know nothing of that character to my knowledge.

Q. Then, was or not each proposition discussed separately and alone and upon its own merits?—A. It was, so far as I am aware.

Q. Did the vote upon the battle-ship proposition depend in any way upon the vote on the submarine proposition?—A. Not with me and no one else that I know of.

Q. Then, did the vote on the submarine proposition depend in any way upon the battle-ship proposition?—A. I think not. I may have argued, and think, perhaps, I did, that inasmuch as we were not going to have the four battle ships, and the Pacific coast delegation having urged upon me the necessity of having more vessels, especially of submarines, I think, perhaps, it may have influenced me somewhat personally in voting for a larger number than I would if there had been a large vote for battle ships, but there was no talk of that character that I heard of.

Q. No logrolling?—A. Never heard of any, sir.

Q. Was there any statement made or argument made that the four battle-ship proposition should be defeated in order to secure more submarines?—A. Oh, no; I never heard of such a thing, not to my knowledge; certainly not in the open committee in hearings during any time I was present.

Q. Upon the floor of the House you voted, did you not, for the four battle ships and the eight submarines?—A. I did, sir.

Q. Your vote on the one proposition was in no way related to your vote on the other?—A. Not in the least.

Q. You voted for both propositions because you felt that they were both right?—A. Thought that they were both right and I believed in both propositions.

Q. Do you know anything about how the sentiment on the Pacific coast was worked up in favor of better coast defenses?—A. All I know about it, Mr. Olmsted, was that the members of the Pacific coast delegation personally, several of them, came to me and urged it, and the Washington delegation asked that I go to the chairman of our committee and request that they have a time to appear before the committee in behalf of it.

Q. In behalf of more submarines?—A. In behalf of more submarines, on account of the immense coast line and the numerous small harbors. They felt if we could not have a larger navy of the character of the battle ships, that this would constitute a good means of defense and we needed more of them. It was urged on account of

the Straits of Fuca and the entrance to Puget Sound, argument was made that something of that character was needed. Otherwise there was nothing to prevent, so far as the present situation goes of a battle ship of another country coming in there and that a submarine would act as a deterrent if not an effectual defense. The only argument I heard was the members of the Pacific coast delegation who talked to me privately and to the committee, and of course I saw in the newspapers of the Pacific coast speaking briefly of the project.

Q. Then, do we understand that the entire Pacific coast representation in Congress was in favor of more submarines?—A. So far as I know, yes. If there was any that were opposed, they did not make it known to me. I was the only member from the Pacific coast on the committee, and the Members from the Pacific coast naturally came to me to talk to get me to place their views before the committee and urge matters in their behalf.

Q. Did you ever meet a man by the name of J. S. C. Archibald?—A. Not to my knowledge; no, sir. I have met a number of men here whose names I do not know, but I do not recall such a name; I do not know the name.

Q. Did you ever meet him on the Pacific coast?—A. No, sir; not to my knowledge.

Q. Did you ever hear of him?—A. Never did; never heard of such a man.

Q. Do you know how the Members of the Pacific coast, Members of the House of Representatives from the Pacific coast—do you know how they voted on the four battle-ship proposition?—A. I think they all voted for it; I am not sure, but I think so. I know the great majority did.

Q. Then they wanted more battle ships and more submarines?—A. Yes, sir. We have a large coast line out there, and the fact that the fleet was then off our coast or was expected there in a short time created a good deal of talk along that line. There was some little talk of the character that you gentlemen heard upon the floor in regard to what certain countries beyond in the Orient might do, and we have some timid people on the Pacific coast as well as elsewhere and who thought perhaps there was something in this talk, and they urged matters along that line. I think a large number of the Pacific coast members would have probably voted for six if there had been such a proposition before the House and would have had the backing of their constituents in doing so.

Q. Six battle ships?—A. Yes, sir.

Q. And for 16 submarines?—A. Yes, sir.

By Mr. STEVENS:

Q. There has been a statement made to this committee to the effect that one J. S. C. Archibald, representing the Collier's Weekly, visited the Pacific coast in the year 1906 in the interest of torpedo-boat legislation with the idea of working up public sentiment through meetings of chambers of commerce and boards of trade and commercial clubs and commercial organizations and thereby influence the Members of Congress to vote for a large number of submarines. Now you have lived on the Pacific coast how long?—A. About twenty-five years.

Q. You have been a Member of Congress how long?—A. I was a Member of Congress from March 4, 1893, to March 4, 1899.

Q. Then what position did you hold?—A. I then went onto the circuit bench the first Monday of July, 1900, and remained there until the first Monday of July, 1906.

Q. Do you keep informed about the condition of public opinion on public affairs on the Pacific coast?—A. Largely so, yes; I take the daily newspapers of my own State, and I read the current news of the day and endeavor to keep myself reasonably well posted.

Q. Have you been interested in the subject of coast defenses and national marine defenses so that you keep informed on what is going on in your localities on that subject?—A. I could not say generally that I have. I have read anything that was in the public press that looked to the coast defenses and anything of that character. I think I have kept pretty well in touch with it.

Q. Were you familiar with the situation in the year 1906 and the feeling in the State of Oregon as to what was being done to work up public sentiment?—A. Well, certainly, if there was anything being done I was not apprised of it, and I do not know of it; it was not of such a character as to create any comment in the public press or any unusual comment, and I have heard and know nothing of an unusual form.

Q. Have you received any number of telegrams or petitions worded in a uniform manner coming from commercial organizations and apparently worked up by one person in favor of submarine legislation?—A. I have received none, Mr. Stevens, of that character.

Q. So you have not received any?—A. No, sir; I have received none to my knowledge. If anything of that kind came, it was thrown into the wastebasket by my secretary without calling it to my attention, and he is a very careful man, and I do not believe he would do anything of that kind. Certainly no telegrams, because they come to me in the first instance, and I open them myself.

Q. You recall no statements or petitions from commercial organizations on that subject?—A. No, sir; I do not.

By Mr. HOWARD:

Q. Do you say, Mr. Ellis, that your opinion for the necessity of an additional navy, both battle ships and submarines, was a homemade opinion?—A. A homemade.

Q. Brought it here with you?—A. Well, it might have been somewhat intensified or quickened after I came here, because I had no idea I would go upon the Naval Committee when I came here. I did not seek a place there; I was appointed there, and of course naturally my mind turned more to subjects of that character when I went on the committee than it had previously; thought more of it along the line.

Q. After you got on the Naval Committee you got no additional information about the extent of the Pacific coast line, did you?—A. Oh, no; no, sir; I knew that just as well before I went on the committee.

Q. You got no additional information after your service on the Naval Committee as to the number of harbors on the Pacific coast?—A. Oh, I knew that.

Q. You got no additional information after your service on the Naval Committee as to the extent of the Pacific Ocean?—A. No; *none at all.* All those things I was just as well apprised of before *as I was* afterwards or am now.

Q. You knew the developed power of Japan in the Pacific Ocean without reference to your service on the Naval Committee?—A. I knew it very largely, and I studied more information in detail after that, perhaps, than I had before, because we had some very lively talkers upon the Naval Committee, who either possessed or claim to be possessed of some considerable knowledge in regard to conditions there, to whom I listened.

Q. You knew something of the influx of Asiatic immigration on the Pacific coast without reference to service on the Naval Committee?—A. Yes, sir.

Q. You knew something about the natural tendency of conflict of those different nations on the Pacific coast without reference to service on the Naval Committee?—A. Yes. I have had that brought to my attention when the Hindoos were coming in at Vancouver and sifting down into the United States; there was some little trouble.

Q. You say your opinion, which found expression in the vote on the battle ships and submarine propositions, was really a homemade opinion?—A. I think so. I think I voted the same as I did vote without any reference to appointment on the Naval Committee. I am quite sure.

TESTIMONY OF HON. GEORGE E. FOSS.

GEORGE E. FOSS, first being duly sworn, on being examined, testified as follows:

The CHAIRMAN. Mr. Olmsted, will you examine Mr. Foss?

By Mr. OLMSTED:

Q. Mr. Foss, in order to get it on the record, I will ask you have you ever been a Member of Congress?—A. I have.

Q. When were you first a Member of Congress?—A. I was elected first in the Fifty-fourth Congress, and have been a Member ever since.

Q. Have you ever served upon the Committee on Naval Affairs?—A. I have.

Q. How long?—A. During all that period.

Q. You have served as chairman of that committee?—A. I have.

Q. During what period?—A. Since 1900; during the last eight years, as I recall it.

Q. You still are chairman of that committee?—A. I have the honor.

Q. Do you occasionally attend its meetings?—A. Usually at every meeting.

Q. Have you particularly been attentive to its meetings during the present session of Congress?—A. I do not think I have missed one.

Q. You are familiar with the discussions and actions of the committee with reference to an increase of the Navy, both as to battle ships and submarines and other vessels used in naval warfare?—A. Yes, sir.

Q. Do you recall an amendment upon the subject of submarines offered by Mr. Loudenslager, a member of the committee?—A. This year?

Q. Yes.—A. Yes, sir.

Q. Do you recall that a substitute was offered by Mr. Hobson?—A. Yes, sir.

Q. I have before me a certified copy of the record of that meeting, *and the vote upon that* shows the votes in the affirmative were

"Messrs. Mudd, Dawson, Hobson—3. Messrs. Loudenslager, Butler, Roberts, Bates, Thomas, Ellis, Gregg, Talbott, Lamar—9. Present and not voting, Messrs. Foss and Lilley—2." This is correct, as you recall it, is it?—A. Yes, sir.

Q. Then do you remember that Mr. Padgett offered an amendment, striking out a portion of the Loudenslager amendment and in the affirmative the votes on the record were "Messrs. Mudd, Lilley, Padgett, Lamar, Hobson—5. In the negative, Messrs. Loudenslager, Butler, Roberts, Bates, Thomas, Ellis, Gregg—7. Present and not voting, Messrs. Foss, Dawson, Talbott—3." Do you recall that?—A. Yes, sir.

Q. That is correct, is it?—A. Yes, sir.

Q. Then do you recollect that Mr. Mudd offered a substitute for the Loudenslager proposition, and upon that substitute the vote was, in the affirmative, "Messrs. Foss, Mudd, Lilley, Ellis, Padgett, Hobson—6. In the negative, Messrs. Loudenslager, Butler, Roberts, Bates, Thomas, Dawson, Gregg, Talbott, Lamar—9. The substitute was recorded as lost." Do you recollect that substitute amendment of Mr. Mudd?—A. Yes, sir.

Q. And the vote was as I have read?—A. Yes, sir.

Q. Then the amendment being lost and the vote recorded on Mr. Loudenslager's original resolution, in the affirmative, "Messrs. Loudenslager, Butler, Roberts, Loud, Bates, Thomas, Dawson, Ellis, Gregg, Talbott—10. In the negative, Messrs. Foss, Mudd, Lilley, Olcott, Padgett, Lamar, Hobson—7." And the resolution was carried by that vote. Do you recall that vote?—A. Yes, sir.

Q. And it is as I have read it, so far as you are concerned?—A. In my judgment that is correct.

Q. Then you and Mr. Lilley seem to have voted together except upon one proposition, in which you did not vote at all?—A. Yes, sir.

Q. Then on the subsurface-boat proposition offered by Mr. Hobson, the following are recorded as voting in the affirmative: Messrs. Loudenslager, Butler, Mudd, Bates, Lilley, Dawson, Hobson—7. In the negative, Messrs. Foss, Roberts, Thomas, Padgett, Gregg, Lamar—6.—A. I think that is correct.

Q. That seems to be the only instance in which the vote of Mr. Lilley and yourself differed?—A. I think so.

Q. How did you vote on the battle-ship proposition?—A. I voted for two battle ships.

Q. Was there or was there not any connection so far as the discussion and action of the committee was concerned between the battle-ship proposition and the submarine proposition?—A. From my knowledge and observation there was absolutely none.

Q. And you were present at every meeting?—A. I was present at every meeting.

Q. And heard all of the discussion?—A. I heard all of the discussion.

Q. And noted the votes?—A. I noted the votes.

The CHAIRMAN. Is there any other member of the committee who desires to ask Mr. Foss any questions?

We are very much obliged to you, Mr. Foss, and hope it has not inconvenienced you to be present.

The committee had hoped to have the testimony of Admiral Bowles this morning, but we learn that he has left town, although he held *himself in* readiness for a couple of days, and we will send word ask-

ing him to come on Tuesday morning at 11 o'clock. We also expected to take the testimony this morning of a few other members of the Naval Committee of the House, but we have been unable to reach them. The committee expected also at this time to make a final statement in reference to the production of books, but the representatives of witnesses summoned who are associated with the Lake Company are absent, and Senator Thurston has been delayed in getting here, so the committee will take a recess until 2 o'clock this afternoon, when the committee would like to have counsel for the witnesses who have been summoned duces tecum present.

(Thereupon the committee took a recess until 2 o'clock p. m.)

AFTER RECESS.

The committee met at 2 o'clock, pursuant to the taking of recess. The members of the committee were all present.

The CHAIRMAN. In reference, now, to the production of books, papers, letters, and other documents that have been called for or described in the subpœnas, the committee will take this course: Some books of the Electric Boat Company have been in the possession of this committee for several days or weeks. The committee requests that the officers of the Electric Boat Company who have been summoned on subpœnas duces tecum will comply with the remainder of the subpœnas by 11 o'clock Monday morning. The committee makes the same request upon the officers of the Lake Torpedo Boat Company, and wishes to amplify the subpœna duces tecum to Simon Lake to include specifically the books that will show the cost of construction of all of the Lake boats sold to foreign governments. Second, all such books as will show the gross prices received for all their boats from foreign governments. Third, all books that will show the division of the gross receipts, showing profits, commissions, expenses, and other divisions of the gross receipts; all contracts between the Lake Company or subsidiary companies and Charles R. Flint and Hart O. Berg.

The committee also requests that Representative Lilley will comply with the suggestions for the productions that were made yesterday.

For the grounds on which these demands are made upon the various witnesses the committee rests solely upon the record as completed up to date.

On the legal questions, the parliamentary and court decisions, the committee will be glad to be advised, either orally or by written argument, as to the scope of its authority, whether its authority so far as members are concerned, dates back of the present or Sixtieth Congress and what its powers are to enforce the demands of subpœnas duces tecum upon the final record as it exists.

As the chairman said some weeks ago on behalf of the committee, and in reply in part to what seemed to be in the nature of complaints on the part of Representative Lilley that the books were not produced, when the books are produced we want to make the fullest showing as to what books, papers, and documents must be produced; therefore this request is now based upon the entire record as completed.

As the chairman has said, the committee will be glad to be advised by counsel, either orally or by written briefs, with special reference to the legal or parliamentary precedents.

Inasmuch as the final proof that is brought before this committee may be used to amplify the demands upon any of the witnesses, the committee will be glad to have the evidence furnished by Representative Lilley taken up first in order, as the final completion of his offer of proof and such documents as he is bound under the rulings to produce may increase the scope of the subpœnas which are issued to other witnesses.

I think that states fully the position of the committee in regard to this matter.

The chairman will simply repeat that any argument which counsel may choose to give orally, or which counsel will proffer in writing, will be considered by the committee.

After a brief examination of one or two witnesses, the committee will take a recess until 11 o'clock next Monday morning.

No other members of the Naval Committee are available to testify this afternoon.

Mr. LITTLETON. On behalf of the Electric Boat Company, we wish to inquire if the committee simply rests its demands upon the written subpœnas which were served upon us in reference to our books and papers, so that we may be guided in our construction of them by those subpœnas?

The CHAIRMAN. In answer to that the chairman can only state, on behalf of the committee, that upon Mr. Lilley's original suggestion as to the witnesses who should be summoned on a subpœna duces tecum, the committee decided to permit Mr. Lilley to make out the subpœnas duces tecum himself, so as to contain everything that he thought could make a basis of proof. In other words, he was given full power to make out the subpœnas duces tecum himself, and that the committee would see that they were served. This was done, and subpœnas were returned to us by Representative Lilley, and were issued and served by the Sergeant-at-Arms, and it was subsequently disclosed in the record that the subpœnas were prepared by ex-Senator Thurston, the general counsel of the Lake Torpedo Boat Company, for Mr. Lilley. The committee therefore assumed, they being prepared by able counsel, that they are in proper legal form, and the committee further assumes, of course, that they contain whatever Representative Lilley supposed he could make a basis of proof for his oral testimony, so that the committee has nothing further to add at the present time to those subpœnas. But, as the chairman has indicated, if subsequent proof, either the examination of Mr. Lilley's letters or any further proof that comes before the committee, necessitates the amplification of those subpœnas, that will have to be done; but the request now made for next Monday morning rests upon the subpœnas as they are, and upon the record as it has been made, and that applies to all parties that have been summoned duces tecum except as to Simon Lake, the substance of whose subpœna has been amplified here to-day.

Mr. LITTLETON. On behalf of the Electric Boat Company I will say, if it meets the approval of the committee, so far as we have anything to suggest to the committee in reference to these subpœnas, we would like to submit our views to the committee orally on Monday morning, if that is agreeable to the committee, or at such time as the committee may designate, but I assume that you will want to hear it on Monday morning.

The CHAIRMAN. The committee will be prepared to proceed immediately on Monday morning and listen to the arguments.

Mr. BROWN. I also say that I have no expectation of filing a written brief, and whatever I have to say will be orally.

Mr. LITTLETON. Of course my suggestion was following the suggestion of the chairman, that the committee would hear from Representative Lilley upon the question of further subpœna, and my argument will follow in order.

The CHAIRMAN. We will take up first the request of Mr. Lilley, for we wish to give him the fullest opportunity to substantiate his charges, if any showing can be made in the oral evidence, and pass upon the final amplification of the subpœnas.

We will now call Mr. Webster to the stand.

TESTIMONY OF BENJAMIN WEBSTER—Recalled.

BENJAMIN WEBSTER, on being recalled and on being examined, testified as follows:

The CHAIRMAN. Mr. Olmsted, will you ask this witness a few questions?

By Mr. OLMSTED:

Q. You have been sworn?—A. Yes, sir.

Q. You have already testified that you are Representative Lilley's secretary?—A. Yes, sir.

Q. I think you testified that you opened Mr. Lilley's mail?—A. Yes, sir.

Q. He has handed us several communications and I hand you one marked "D." The envelope in which it was received was not handed us by Mr. Lilley. I want to ask you if you can tell about when it was received?—A. I could not place the date of the receipt except as I would infer from the date of the letter.

Q. The letter is dated March 28, 1908.—A. We received a great many anonymous letters, and I just placed them in a drawer and submitted them to Mr. Lilley. I can not tell the date I received it.

Q. It is presumably about that date?—A. It is presumably a day or two after.

Q. And that particular paper is dated New York, March 28?—A. Yes, sir.

Q. I will ask you if you have the envelope in which that paper marked "D" was received?—A. I have always thrown the envelopes away unless the address is not given.

Q. Then you have not that envelope now?—A. Not that I know of.

Q. I hand you paper marked "G," it appears to be dated Washington, D. C., February 25, 1908. Have you the envelope in which that was received? A. I do the same with all envelopes—throw them away.

Q. Then you either have or you haven't it?—A. I haven't it.

Q. Do you remember that letter?—A. Why, I recall that letter. I could not identify this typewriting. I remember such a letter signed "A constituent."

Q. That letter marked "D" was signed how?—A. I do not know what sort of a letter you call that. "A" I think you call it.

Q. I hand you paper marked "I," dated Washington, March 20, 1908. That appears to be signed by a genuine name, and I will not mention it, but I will ask you whether you remember to have received and opened that letter?—A. I could not state positively. I have seen this letter in our office. I have had it on file with the others.

Q. You have not the envelope in which it was received?—A. No, sir.

Q. You received it probably about that date?—A. This is the letter of which a typewritten copy was made to submit to the committee, because it was not very legible.

Q. Do you know about when you received it?—A. No; I haven't any way of locating these dates. It is March 20 here, and I should imagine it came in a day or two after.

Q. Here is a letter marked "E," purported to be dated New York City February 20, and signed "A citizen." Do you recall that letter?—A. I remember that letter.

Q. Have you the envelope in which it was received?—A. No, sir; I have not.

Q. Do you remember how it was addressed on the outside?—A. No; except it must have been "Mr. Lilley."

Q. Do you remember about when it was received?—A. It is dated February 20. I should imagine two days after; that is my impression.

Q. Did you hand it to Mr. Lilley?—A. Mr. Lilley has seen it. I could not say whether he saw it that day or whether I laid the anonymous letters aside and he looked them all over within a few days after. It being signed anonymously, I probably——

Q. You would be all the more likely to bring it to his attention promptly?—A. I probably did. He probably saw that it was within two or three days after it was received or the next day.

Q. Here is a letter dated Flushing, March 31, 1908, and appears to be signed by a genuine signature, marked "H." Do you remember to have received that?—A. I can remember that it has been in the office. I could not say whether I received it or whether Mr. Lilley brought it in from the hotel.

Q. Can you state whether any of these five papers were received any other way than through the mail?—A. To the best of my knowledge, I think they were received through the mail.

Q. And each one of them within a day or two of their respective dates?—A. That is my impression.

Q. There is no such discrepancy between the date of the receipt and the date of the document as to impress itself upon your mind, is there?—A. No, sir. I never notice the postmark on an envelope.

Q. But you noticed the date of the letter, and if you received a letter prior to the date——A. I would be likely to notice it.

Q. Or a long time after the date of the letter you would be likely remember that?—A. I remember an incident of a letter coming in dated a month before.

Q. Before you received it?—A. Yes; from some friend.

Q. Was that any of these letters?—A. No, sir.

Q. Then you would testify that these five documents were received within a day or two, or reasonable mailing time after their respective dates?—A. That is the best of my recollection.

Q. I think you did say they all came through the mail?—A. I am *not certain* upon that point, but my impression is I cut all of them.

Mr. Lilley may have received some at the Willard, but I could not say that he did.

Q. Is there any one of these five papers that you can identify as not having been received through the mail?—A. My impression is that all of them have been received through the mail.

Q. Three of them are signed by names which I will not mention, but I will ask you if you know the parties?—A. No.

Q. For instance, this paper marked "H" is signed by what appears to be a genuine name; do you know that party?—A. No.

Q. Did you ever have any other correspondence from him?—A. I do not know, unless there is another letter. If there is, the committee undoubtedly saw it.

Q. We haven't it. Do you remember writing any letters to him?—A. I have no recollection of having answered it.

Q. Then the name, as it appeared on the letter, was, so far as you can recall, the first that you had known of that name?—A. Yes, sir.

Q. Or any person of that name. Do you say the same as to the paper marked "I?"—A. Yes, sir.

Q. Do you know the person whose name is signed to that?—A. No, sir.

Q. Do you remember to have received for yourself or for Mr. Lilley any other communications signed by that name?—A. No, sir.

Q. Or to have addressed any communications to a person of that name?—A. As I remember it, it was Washington, D. C., so there was no address which he would be likely to get it at, and I never answered it.

Q. The receipt of that letter with that name on it was your first knowledge of any person of that name?—A. Yes, sir.

Q. Can you state about when you handed these letters to Mr. Lilley?—A. As I remember, these letters have been placed in one of the drawers in our desk there, and just laid aside until they were brought up here to the committee.

Q. Did not you show them to Mr. Lilley?—A. Oh, Mr. Lilley has undoubtedly seen them all.

Q. When did he see them?—A. Probably two days after they came in.

Q. Very shortly after you received them?—A. Most of them the same day.

Q. The paper marked "G," dated February 25, signed "A Constituent," dated Washington, D. C.—could it be possible that that letter was not handed by you to Mr. Lilley until, say, some time in March or April?—A. My impression is that all of these letters have been seen by Mr. Lilley the same day or the day following they came in.

Q. Could it be possible that that letter was received as late as the latter part of March or middle of April?—A. My impression is that that has been lying around for several weeks.

Q. What would you say as to the paper marked exhibit "E," which is dated New York City, February 20?—A. I think that is one of the first ones that we received.

Q. You think that came in ahead of the paper marked "G?"—A. As I remember it, I think that was one of the old papers, and we overlooked it; I remember, it was put in another place.

Q. And that had been in your possession how long?—A. Quite a while; I do not remember the weeks, but I should say it ran back in the middle part of March, anyway. I am not certain.

Q. It refers to a newspaper clipping from the New York Evening Post. I do not think that was handed to us. Do you happen to have it?—A. I do not remember what—we have had so many clippings, I could not state.

Q. Do you feel sure that the paper marked "E," dated February 20 and signed "A Citizen," are you confident that was received before these letters dated March 28 and 31 and 20?—A. That is my impression; I could not be certain of the dates. My impression is that this is one of the oldest letters.

Q. You mean it is one that you have had in your possession the longest?—A. That we have had in our possession the longest.

Q. Isn't it a fact that this letter marked "G," dated February 25, was not received until some time in the month of April?—A. I could not be certain about the date of receiving it. My impression is that it is older than that. I simply remember it from the fact that it is signed "A Constituent."

Q. You state you showed them all to Mr. Lilley as they came in?—A. Yes, sir.

Q. Within a day or two after their receipt. I want to call your attention again to these letters. This letter marked "G," dated February 25, contains the names of several individuals, does it not?—A. Yes, sir.

Q. Would not their names have attracted your attention so as to refresh your memory as to the probable date of the receipt of that letter?—A. No, sir; I could not place the date of the letter from that.

Q. Look at the paper marked "E" and read it, particularly the last page. Would not the subject-matter of that page have attracted your attention if you had received it through the mails?—A. No; I can not give the date at all. This is the first time I recall this fact that——

Q. You need not mention any names. Nobody else has, and you need not drag them in. It did not make any impression upon you? Just read the whole letter.—A. It does to my recollection; when I read the letter I got to this point, and I could not understand it, and I turned and saw it was signed that way, and I never remember having read this part before.

Q. You do remember having read the first part?—A. I do remember having read the first part.

Q. About how long ago did you read it?—A. I could not say. There is nothing to associate it in my mind with anything.

Q. Did you read it within the last two weeks?—A. My impression is that it ran back some time in March—early part of March.

Q. It is dated the 20th of February, and you think you received it in the early part of March?—A. No; my recollection is that it runs back as far as that; I can not place any limit.

Q. You are certain it was three or four weeks ago, at least as much as that?—A. Yes; I would be reasonably certain of that.

Q. This letter dated February 25, are you certain about that?—A. No; I simply bear the fact "A Constituent" in my mind.

Q. Isn't it a fact that not a single one of these five papers ever *came through* the mail at all?—A. No, sir.

Q. That is not a fact?—A. No, sir.

Q. As to which one is it a fact? Which one is it came through the mail?—A. I could not state. I could not state which did not or which did, but I remember having cut some of them open.

Q. You have testified to all of them that you have had them in your possession. How did they get in your possession?—A. My impression is that they all came through the mail unless there is one of them that I have a recollection of——

Q. Did you say you had a recollection of one of them?—A. No; I was going to say that perhaps Mr. Lilley might have brought in one from the hotel.

Q. Which one would that be?—A. My impression is, I have not such a good, clear recollection of that letter as the others.

Q. That is the one marked "H?"—A. Yes, sir.

Q. From Flushing? Now, your recollection is not quite sure that that came through the mail?—A. No.

Q. Through the mail. Any of the others?—A. I could not state definitely which one, but my impression is that I cut some of those letters.

Q. Is there any one of them that did come through the mail?—A. I have stated, to the best of my belief, that all of them came through the mail, but I could not identify any particular one.

Q. If any one of them came to you otherwise than through the mail, which one was it? Leave out "H."—A. My impression is that all of them came through the mail.

Q. And those two, "G" and "I," one dated February 25 and "E," dated February 20, you are confident that they were in your possession at least as early as some time in March?—A. That is my impression.

Q. You are not positive that they were in your possession before the 1s of March?—A. I am not positive as to the dates at all, except that my recollection is that they had been there quite a while—several weeks—running back of several weeks.

Q. If any of them did come otherwise than through the mail, were any of them handed to you by any person other than Mr. Lilley?—A. My recollection is that all of them came through the mail.

Q. I want to call your attention to another name that I think might have attracted your attention. What church do you belong to?—A. The Congregational.

Q. Well, I think you have heard of that name, haven't you [showing witness the paper]?—A. As I remember, that aroused my curiosity somewhat, but I can not place the date from that. It has no connection with any other incident.

Q. I will just read that name to you and see: "Merry del Val, papal secretary of state." Didn't that create any impression upon your mind when you read that?—A. It is the first time I ever heard it interpreted.

Q. I have not interpreted it.—A. I did not read it to pronounce it.

Q. I am not asking you whether it is the first time you ever heard it pronounced. You have seen the name before?—A. I have no recollection of having seen it.

Q. You remember now to have seen it in here?—A. Yes, sir.

Q. When did you first see it in there, as near as you can remember?—A. *I can not place* the date of the receipt of the letter. It was *the same time the letter* came in, and I cut it.

Q. Isn't it a fact that you had that in your possession before the 20th of February, before this date?—A. I can not place the date of the receipt of the letter.

Q. Are you sure you have had it in your possession as early as two weeks ago?—A. Yes, sir.

Q. Three weeks ago?—A. My recollection is it runs into March. There is absolutely nothing to associate dates in the letter to me.

The CHAIRMAN. There is a clipping from a paper referred to in there. Have you that clipping?—A. As I have stated, it may be one that is thrown in with our other clippings; there are hundreds of them.

Q. Was the clipping dated about the same date as the letter?—A. I do not remember that a clipping was inclosed, but I should infer so, a clipping from the New York Evening Post.

Q. Are you confident that you did not have it as early as the 1st of February?—A. I am pretty certain we had nothing before February 20.

Q. Are you confident that you did not as early as the 1st of March?—A. No, sir.

Q. Are you confident that you had it as early as the 1st of April?—A. Yes, sir.

Q. Are you confident that you had it as early as the 15th of March?—A. I could not state the date earlier than April 1.

Q. You have two or three times.—A. Given the date earlier than April 1?

Q. Yes. You ran back five or six weeks at one time.—A. That is my impression.

Q. Now, what is your best impression?—A. My best impression is that it was one of the earliest letters received and that all of those letters have been received before April 1.

Q. You think that is one of the first of these five letters that you received?—A. Yes, sir.

Q. Do you know who wrote it?—A. No, sir.

Q. Do you know whether there is such a person as is signed to that letter—to that paper marked "H?"—A. No, sir; I do not know.

Q. Do you know who wrote the paper "G," signed "A Constituent?"—A. No, sir.

Q. Do you know who wrote the paper "D," signed "A?"—A. No, sir.

Q. Do you know whether there is such a person as the one whose name purports to be signed to the paper marked "I?"—A. No, sir; I do not.

Q. You are considerably interested, naturally, in this submarine matter, aren't you?—A. Yes, sir.

Q. Mr. Lilley introduced his resolution February 20?—A. Yes, sir.

Q. Would not a letter written on the same day attract your attention when you received it?—A. I do not recall having noticed the date. We usually do not pay attention to dates on letters. I assume that they have been written a day or two before when I cut them open.

Q. If you happened to cut it open on the 1st of April you would not assume it had been written on the 20th of February, would you?—A. No, sir.

Q. Then if there had been any wide discrepancy between the date of the letter and the date when you opened it, would it attract your attention?—A. It might, and I might not have noticed it. I have suggested that I noticed one such letter.

Q. Was that any of these?—A. No.

Q. Do you remember to have received any letter in which the writer said he could not give more detailed information for fear of losing his position?—A. I think I recollect that statement.

Q. About how long ago did you receive a letter containing that?—A. There is absolutely nothing to connect the date with my mind.

Q. Is that the letter in which it was stated?—A. I could not say that.

Q. Read it and see.—A. I don't remember.

Q. Can you now, after reading it, tell me is it there or isn't it?—A. It is there.

Q. Then that is a letter you remember receiving?—A. There is another letter, I think, with the name cut out with a knife. I think there was a similar statement in it.

Q. Have you that letter?—A. I imagine it was with these. I don't know where it is if it is not.

Q. Do you remember any letter that had anything else about the pneumatic tube?—A. I have just read that, there.

Q. That is the letter marked "E." Did you ever read anything about the pneumatic tubes before you read it here to-day?—A. I could not say.

Q. Did you ever see that letter before you saw it here just now?—A. Yes, sir.

Q. How long ago did you see it?—A. I can not give you the date.

Q. Did you ever see that letter marked "Exhibit G" before I showed it to you here at the table?—A. If that is the same letter that came into our office signed "A Constituent."

Q. That is a letter Mr. Lilley handed in here.—A. That is the same letter I have seen.

Q. Did you ever see that letter signed "A" before I showed it to you to-day?—A. I remember such a letter signed "A."

Q. Did you ever see this paper dated Flushing, March 31, before to-day?—A. I am not so certain about this letter.

Q. This letter marked "Exhibit I," dated March 20, dated Washington, did you ever see that before I showed it to you to-day?—A. Yes, sir.

Q. Those four, then, you are positive that you have seen before?—A. Yes, sir.

Q. There was no discrepancy, you are positive, between the dates of the letters and the dates of their receipt as to attract your attention?—A. Nothing attracted my attention at the time.

Q. Now, were you accustomed to receiving anonymous communications; is it an everyday matter?—A. Since the resolution was introduced I have an impression we have received half a dozen or so in addition to these. I think there was one with the name cut out with a knife.

Q. You have, then, received a great many anonymous communications?—A. Half a dozen, my impression is, or more.

Q. There are five here.—A. I think you have all of them, unless it is that other letter.

Q. Three of these are anonymous only. Two are signed. Where are the other anonymous communications you have received?—A. They must have been thrown into the wastebasket, probably, if they are not brought here.

Q. Why did you keep some and throw the others away?—A. My impression is that all of them were kept, unless they are downstairs now.

Q. That is what I am trying to find out.—A. I just said that you had them all.

Q. Your impression is we have them all except there are some downstairs that have been thrown into the wastebasket.—A. And the one I mean having the name cut out.

Q. Where is that letter?—A. I don't know.

Q. Is there any way we can find out whether they are in the room downstairs or the wastebasket?—A. I put those in one box. If we have other anonymous letters I can find them, probably.

Q. In some box?—A. Yes, sir.

Q. Will you produce those?—A. They are downstairs in Mr. Lilley's desk.

Q. In this building?—A. Yes, sir.

Q When did you receive the first anonymous communication?—A. I can not place the date.

Q. Did you receive any before the resolution was introduced?—A. I have no such recollection of such a letter.

Q. Then the very first anonymous communication that you received would not attract your attention at all?—A. Why, I have already stated that the letter aroused some curiosity as to the name, but I can not place the date at all.

Q. I am not asking you to place the date. But a letter that contained the name of such a justly celebrated and distinguished church officer as I have now named a moment ago would attract your attention, would it not?—A. It would attract my attention at the time.

Q. Was that the first of these communications that you received, or was it not?—A. It is my impression that that was; I am not positive.

Q. Is there anything on earth about which you would be positive?—Yes, sir.

Q. What?—A. Ten cents and a dime, ten times ten is a hundred, or any exact science.

Q. Then the only thing you are positive about is figures?—A. There are some other things.

Q. Tonnage, and so forth?—A. I have studied philosophy a little, and I am positive of my existence and those things.

Q. But in the matter of memory you are not positive about anything except figures?—A. It depends upon what part of positiveness you refer to. My system of memory is correlating ideas.

Q. Correlate some now. Correlate some idea between this letter, for example, marked "Exhibit E"——A. I have already testified——

Q. Will you just correlate this letter with the envelope in some way and tell us where it is?—A. I have already testified upon that. I have testified that I usually throw the envelopes into the wastebasket as soon as I get a letter.

Q. A letter like this, the first anonymous communication you received, would you not have turned the letter to note the postmark?—A. I would not; no, sir.

Q. Did Mr. Lilley show any curiosity about the envelope?—A. I don't think so; he never does.

Q. He never does?—A. He never does.

Q. You are positive about that?—A. I am positive about that.

Q. I am glad to get one thing you are positive about. Isn't it a fact that there never was any envelope for that letter?—A. I do not see how you arrive at that conclusion.

Q. I am trying to see if you can be positive on anything.—A. You are a Congressman, and you are perfectly aware that forty or fifty letters or more are received daily, and you cut the letters and throw the envelopes into the wastebasket.

Q. But if I received one that was not in an envelope I would remember it, I think.—A. It simply did not impress itself upon my memory; that is the difference.

Q. You say, then, it would not impress itself upon your memory to receive a letter of this character uninclosed?—A. It never came uninclosed.

Q. Then are you positive whether it came in an envelope?—A. I testified that it did, to the best of my recollection.

Q. What is your recollection now?—A. The best of my recollection is that the letter came in with other letters.

Q. When?—A. Back of the 1st of April, the early part of March, is my impression, or earlier than that.

Q. Earlier than the 1st of March?—A. I did not say that.

Q. What did you say?—A. I say that my impression is that this letter came before the 1st of April and in the latter part of March or earlier than that.

Q. You are positive somewhere around within five or six weeks, are you?—A. Yes, sir.

Q. Are you positive that you did not receive that as early as the 1st of February?—A. Yes, sir.

Q. Are you positive that you did not receive it as late as the 1st of April?—A. Yes, sir.

Q. Are you positive you did not receive it as late as the 15th of March?—A. I could not state that definitely.

Q. The figure on this is February 20. Can you be positive whether you received it anywhere near about that time?—A. No, sir. I have already said I did not pay any attention to the dates of letters. I simply assume they have been written the day before they come in.

Q. When you answer a letter do you say, "Your letter, which I assume to have been written within a day or two?"—A. When I answer letters I do.

Q. You do not look at the date of the one you are replying to?—A. Yes, sir.

Q. Do you say, "Your letter of the 20th received?"—A. Yes, sir; usually.

Q. How do you get the date of it without looking at the letter?—A. Well, when the letter is replied to—that letter never had a reply.

Q. You are positive about that?—A. Yes, sir.

Q. It is a very remarkable letter; it contains very unusual names. At least *one very illustrious* name. It did not attract so much of

your attention, even, that you looked at the envelope or postmark of it?—A. No.

Q. You do not know whether it was postmarked in this city or not?—A. No, sir.

Q. When you showed this to Mr. Lilley did he betray any surprise or curiosity about it?—A. I do not know whether Mr. Lilley saw it in my presence or simply looked it over in the bundle.

Q. Did he ever say anything about it?—A. Not unless when he asked me for the letters. When he looked them over, he said, "Get out all the anonymous letters; I want to bring them up here."

Q. How did he know you had any?—A. He undoubtedly had seen them.

Q. When he saw them what did he say? "Take this letter with the prominent names mentioned in it"?—A. I have no recollection that he mentioned it.

Q. He showed no surprise at all?—A. I have absolutely no recollection upon that point.

Q. How long back could you remember any important event?—A. It depends upon what you mean by important event.

Q. Anything a little out of ordinary. It is not common to receive anonymous letters in which church dignitaries are mentioned, or high officers of the Government, is it?—A. No, sir; I should say not. The fact that it was anonymous did not impress me that it was important.

Q. It did not impress you that the names in there were significant?—A. No.

Q. If it did not impress you that it was important why didn't you throw it in the wastebasket as you did so much of your correspondence?—A. I do not know that I have stated.

Q. You have testified to throwing a good deal in the wastebasket?—A. I throw the envelopes in the wastebasket.

Q. And the other anonymous letters you said——A. I was simply stating a possibility.

Q. If there was a possibility of your throwing the others in the wastebasket, why not this one?—A. The same possibility, of course, except for the fact that it has not been.

Q. Then it is possible that this letter may have been thrown into the wastebasket?—A. Perfectly possible.

Q. How did you come to extract that from the wastebasket?—A. I have no recollection of its having gone into the wastebasket.

Q. I call your attention to this date, February 20th; do you remember anything that occurred on that date at all?—A. I do.

Q. What?—A. I put a resolution into the House.

Q. How do you happen to remember that?—A. I have not studied psychology sufficiently to be able to——

Q. Have you ever studied mnemonics?—A. I imagine that is a part of the system of school training; I do not know.

Q. You are pretty positive that you are not positive about this letter? But you are positive about the resolution?—A. I am pretty positive of having seen it; I am not positive as to the date of its receipt.

Q. If you can not remember positively within six weeks as to the date when you saw this letter, how can you remember positively as to *the day* and hour when you drew that resolution, 255?—A. I have no *opinion to* form upon that.

Q. I am not asking you your opinion.—A. I am understanding you ask me interpret psychology; I can not do that.

Q. Why not? I give you credit for a great deal of ability. Are you then so positive about having drawn that resolution?—A. Yes, sir.

Q. What makes you think you did?—A. I have a very distinct impression in my mind of having taken it over.

Q. How did you happen to know that it ought to go to the Committee on Rules?—A. I didn't know anything of the kind.

Q. How did you come to write on the back of it that reference to the Committee on Rules?—A. That was Mr. Lilley's direction.

Q. Did he say any reason why it should be referred to that committee?—A. Except that he did not think it would come out of the Committee on Naval Affairs.

Q. But under the rules of the House a resolution has to go to the proper committee whether it ever comes out again or not.—A. I know nothing about that.

Q. Is it a fact that you did draw that resolution yourself?—A. Yes, sir.

Q. Unaided?—A. I have testified as to that.

Q. Testify now, if you please.—A. I secured this resolution form over to the House.

Q. Unaided?—A. Yes, sir.

Q. All alone?—A. I typewrote that on Thursday afternoon.

Q. Go back of that a little. You typewrote the last copy, but who assisted you in the preparation of the resolution?—A. Why, I believe that I took the form of that over to Mr. Thompson, Senator Bulkeley's secretary, and asked him about the form of it.

Q. What did he say about it?—A. Why, I think he said it was correct. He suggested the elimination of "whereas" in one place, I believe.

Q. How did you come to go to Senator Bulkeley's secretary?—A. It has been my custom to go to him when I was not acquainted with parliamentary practice; he had been General Hawley's secretary before he was Senator Bulkeley's.

Q. What question of parliamentary practice did you submit to him?—A. The general form of it. I drew it up from the resolution I had secured from the document room and I did not know whether the form was correct.

Q. Did you ever see any two resolutions on just the same form?—A. I do not know just what you mean by form.

Q. What did you mean when you asked him whether the form was correct?—A. Usually what I meant by form.

Q. What do you mean by form now, when I asked you if you ever saw two of the same form?—A. I believe so.

Q. What two?—A. The resolution which I drew, modeled on Mr. Hobson's.

Q. What resolution was that?—A. The resolution which Mr. Lilley presented to the House.

Q. 255 or 264?—A. This resolution calling for an investigation of the navy-yards.

Q. You drew that modeled on Mr. Hobson's?—A. Yes, sir.

Q. Why did not you draw 255 modeled on Mr. Hobson's?—A. Why *had some other resolution*, and Mr. Lilley had told me he wanted *resolution drawn up*——

Q. What other resolution did you have when you drew up 255?—A. I do not remember what resolution.

Q. Try and get your memory working so that you will remember some things that I want to know as well as those you wish to tell. What resolution did you have before you?—A. I do not remember.

Q. You do not remember any?—A. No, sir. My impression is that there were two or three. It may have been simply one of the resolutions——

Q. Upon what subject were they?—A. I do not remember the subjects.

Q. Did you get them from Senator Bulkeley's secretary?—A. I had the typewritten copy all drawn up when I took it to Senator Bulkeley's secretary to show it to him.

Q. When was that?—A. I can not remember whether it was on a Monday or Saturday night; my impression is that it was the Saturday night preceding the introduction of the resolution.

Q. What day of the week was it introduced?—A. Thursday.

Q. What do you say the young man's name is?—A. Mr. Thompson.

Q. What is his first name?—A. Royal, I believe.

Q. How long have you known him?—A. Since I have been here.

Q. When did you first meet him?—A. I do not remember that I had seen him before the 1st of December.

Q. Where did you meet him the first time?—A. At Senator Bulkeley's office.

Q. Who introduced you to him?—A. Mr. Lilley.

Q. That was about when?—A. It was soon after the opening of Congress.

Q. What was the occasion of your visit?—A. Mr. Lilley simply took me over there and said: "Come in and meet the Senator's secretary."

Q. When did you next see Mr. Thompson?—A. I have been to the Senator's on errands and one thing and another; I can not place any time.

Q. When did you next see him?—A. I can not state.

Q. How often have you seen him from that time to this?—A. Probably a dozen times.

Q. Do you see him every week?—A. Not usually. I have not lately. At that time I probably saw him every week.

Q. Two or three times a week?—A. It would not average as often as that I do not think.

Q. How recently have you seen him?—A. Two or three weeks, I believe.

Q. It has been two or three weeks. Have you seen him since the resolution was introduced?—A. The resolution of February 20?

Q. Yes.—A. Yes, sir.

Q. How shortly after that did you see him?—A. It was nothing of any importance——

Q. How soon after was it that you saw him?—A. I could not state for the reason—I was starting to explain why I could not state.

Q. How recently had you seen him before February 20?—A. My impression is it was either Saturday night or Monday night.

Q. You mentioned having seen him Saturday or Monday. Did you *see him* between Monday and Thursday?—A. I have no recollection *that I saw* him.

Q. Who was present when you submitted the form of the resolution to him?—A. I think his assistant typewriter, and I believe Mrs. Armour, who was down here in the interests of a claim she had before the Government, was in the room at the same time.

Q. Who else?—A. I think the Senator came in just before I went out.

Q. What did he say about the resolution?—A. He did not see it.

Q. Did you conceal it from him?—A. I simply——

Q. Why did you show it to his secretary and not to him?—A. I was just asking the secretary's advice.

Q. Did you think the Senator's would be fully as good?—A. It was simply a matter of form.

Q. Did you not think that the Senator's ideas of form were just as good as those of his secretary?—A. Undoubtedly a great deal better.

Q. Then why not consult the best authority?—A. I am not acquainted with the Senator.

Q. You had met him, hadn't you?—A. I do not think I had. I think Mr. Thompson introduced me at the time.

Q. On this occasion when Mr. Lilley took you over to meet the secretary, didn't you also meet the Senator?—A. No, sir.

Q. You never had met him until the Monday before the 20th of February?—A. That is my recollection; yes, sir.

Q. Yet you went to his room very frequently?—A. I understood you to ask me about seeing Mr. Thompson. I meant that.

Q. Where did you meet him?—A. I would run across him in the corridor and up in his room. I would go up in the morning early before the Senator was in.

Q. Why did you take pains to go before the Senator was in?—A. I did not take any such pains, except that I took pains to go before Mr. Lilley came in, so as to be there when Mr. Lilley came in.

Q. Why did Mr. Lilley tell you to submit this to the Senator's secretary?—A. Mr. Lilley had given me general directions to ask his advice on anything; that he had been down here a good many years at that time.

Q. When had he told you that?—A. That was why he took me over to introduce me early in December.

Q. Did he tell you at that time to consult him about all forms of resolutions he offered?—A. He suggested that Mr. Thompson was one who had been down here and he would be a good one to go to for advice on pension matters or anything of that kind.

Q. What advice did he give you about pension matters?—A. I believe I asked him how to draw up bills and present them.

Q. Isn't it a fact that you used a printed form in every pension bill you ever drew?—A. Yes, but I did not know anything about that at the time.

Q. You knew it when you were drawing them?—A. Yes, sir.

Q. Then, you did not go to see him every time you drew a pension bill; you did not see anybody about drawing pension bills, did you?—A. Before February 20.

Q. Then, you did not have to ask his advice. Do you mean us to understand that in December, 1907, Mr. Lilley asked you to consult Senator Bulkeley's secretary with reference to the form of this resolution?—A. No, sir.

Q. When did he?—A. He had given me general directions—I have *absolutely no recollection* of his ever directing me to Mr. Thompson.

I went because I was not certain after having drawn it up from the House document.

Q. Why did not you draw House resolutions 255 and 264 in the same general form so far as it was adaptable to the two resolutions?—A. That refers to the navy-yard resolution, does it?

Q. Yes.—A. Those resolutions were both drawn in the same form, and I submitted both of them to Mr. Thompson, I believe, and he changed the one, or suggested a change of "whereas" in the body of the resolution.

Q. Is that the only change he made?—A. Yes, sir.

Q. How many resolutions have you drawn aside from pension bills? Resolutions, I mean.—A. Two is all I remember at this moment.

Q. Do you remember the House numbers of those?—A. I can not give you them explicitly. One was dated February 20, and the other that of a recent date—last Saturday.

Q. The one with reference to——A. To the investigating of the navy-yards.

Q. The one Representative Lilley read in his speech?—A. Yes; the joint resolution.

Q. I unintentionally misled you, perhaps, when I said House resolution 264. Did you prepare that?—A. I don't remember.

Q. That was the one calling on the Secretary of the Navy for information.—A. I believe I testified to that the other day that I did not.

Q. The one that you drew was joint resolution No. 169, introduced April 6?—A. Yes, sir.

Q. The legislative day of April 6 and the calendar day of April 16. Did you submit that to Mr. Thompson?—A. That is my recollection, that he saw both of them. I could not say whether he read that one through or not. My impression is it was late in the afternoon, and I had very little time and the Senator came in and I went out.

Q. Did you write them both upon the same typewriter?—A. I have already testified that I am uncertain as to the date that machine went to Waterbury; that it was either on that machine, a sample of the typewriting of which I have submitted here, or the other machine that is at present in the office.

Q. It was on a Saturday prior to Thursday, April 20, that you showed or talked with Mr. Thompson?—A. I am not certain whether it was Saturday or Monday.

Q. What did you show him on that occasion?—A. I had that resolution, House joint resolution, substantially as it is there. I believe it called for three business men at the time instead of two business men and one naval officer. And on the other resolution, for reference to the Committee on Naval Affairs.

Q. I get them mixed up; we have so many resolutions.—A. The other resolution was introduced February 20, which originally was drawn for reference to the Committee on Naval Affairs.

Q. In what preamble or provision did it have any reference to the Committee on Naval Affairs?—A. I do not remember the wording, but "Whereas the Electric Boat Company and its predecessor, the Holland Boat Company, have been guilty of reprehensible practices, therefore be it resolved that the Naval Committee investigate this *matter,*" I believe.

Q. Then you changed, did you, to insert the Committee on Rules instead of the Committee on Naval Affairs?—A. That was my under-

standing, which you brought out the other day, that the reference to the Committee on Rules occurred only on the outside of the paper. My impression was it was on the inside.

Q. You showed both these papers which now constitute House joint resolution No. 169 and House resolution 255, you took them at the same time to Mr. Thompson?—A. Yes. As to whether Mr. Thompson saw the reference to Naval Affairs Committee for an investigation of the navy-yards I am not certain, but I had them with me at the time.

Q. You only wanted to ask him about one?—A. No, sir; I wanted to ask him about both, but the Senator came in, it was late in the afternoon, and he had to attend to some business with his secretary, and I walked out, and I did not wait for the other.

Q. What did the Senator think about the form of the resolution?—A. The Senator never saw them.

Q. What did you tell Mr. Thompson you were trying to accomplish?—A. Why, I undoubtedly told him that the purpose of it was an investigation, and I am not certain as to what I did say. I asked if it was correct, the form of it.

Q. He could not tell whether it was correct unless he knew what your object was?—A. We undoubtedly had some conversation.

Q. That is what I am trying to get at.—A. I do not remember it.

Q. You are not positive about it?—A. No, sir.

Q. How could Mr. Thompson have known what you wanted or how could he advise you as to the form without you told him what you wanted to do?—A. I have testified as to what I showed him, which would be the whole thing. If I was able to express myself in clear English, he undoubtedly saw what the object of the paper was.

Q. What changes did he suggest?—A. I believe that I have already testified that he suggested that the "whereases" be eliminated and incorporated in the body of the resolution.

Q. That would change the form of the whole thing, if you drop out the "whereases" and incorporate the subject-matter of the "whereases in the resolution itself.—A. I believe their opinion was that the "whereas" part had become antiquated and it was not in the best use now; that the proper way was to make it as brief as possible.

Q. Did he make those corrections?—A. I am not certain whether he wrote it over or wrote it on his machine. I have a recollection that at one time he wrote something out on his machine for me. Mr. Thompson could undoubtedly tell that.

Q. I do not want to call him to find out what you remember. You can tell us what you know about it.—A. Well, I can not state, I am not positive on that point.

Q. Well, he redrafted the resolutions?—A. Yes, sir.

Q. What became of that draft?—A. I do not know anything about where those are. I thought we might possibly have one in some drawer, but they undoubtedly were thrown away.

Q. What did you do with the draft?—A. I took it back to my room and typewrote it.

Q. Did you show it to Mr. Lilley?—A. That was what I submitted to Mr. Lilley on his return, and he suggested the change the next morning.

Q. Then what you submitted to Mr. Lilley on his return was the *draft prepared by Mr.* Thompson?—A. Yes, sir.

Q. Then it was not copied as you told us the other day from the form of any resolution you found over in the document room?—A. Yes, it was.

Q. What resolution did you ever find in the document room in the form of this resolution or anything like it?—A. I do not know whether I based both of them on Mr. Hobson's in comparison or whether I compared other resolutions.

Q. I am talking about resolution 255, introduced February 20. What other resolution did you find that bore the slightest resemblance to that?—A. Mr. Hobson's had several whereases in it.

Q. This has no whereases at all.—A. I was discussing the one that I submitted to Mr. Thompson, which I drew up.

Q. The other day when you were on the stand you did not tell us anything about Mr. Thompson drawing anything up. You gave us to understand that you drew this form and got it out of the books.—A. Yes, I did.

Q. You did what?—A. I did draw up the resolution.

Q. This resolution as it was introduced?—A. With those changes that I have already suggested this afternoon, that Mr. Thompson suggested.

Q. Then, as Mr. Thompson changed it, it was not like any other resolution in the books?—A. No, sir.

Q. The form of the resolution as introduced by Mr. Lilley was not taken by you from any book, was it?—A. No, sir.

Q. Is there any particular reason why, in a comparatively little matter like that, you should not have told us in the first instance?—A. The committee are aware from the method in which they subpœnaed me that Mr. Haynes came in and I did not expect to be subpœnaed, and had not talked the matter over at all.

Q. Do you have to talk a matter over before you can tell the truth?—A. I usually have to think a matter over before I can recall instances of that kind.

Q. You recall very well that you drew it on the 20th, you recall all those details; is that the result of talking it over?—A. The 20th.

Q. Was that the result of talking it over with anyone?—A. No, sir.

Q. Then, do we understand, without talking it over, you can remember as far back as February 20?—A. An important matter like that.

Q. With whom have you talked it over since, which leads you now to remember that you took the draft to Mr. Thompson?—A. Last Sunday Mr. Brown suggested that I think everything over very carefully and be prepared to give as many facts and dates as I could possibly remember, and I have done so since then.

Q. Who else was present at that time?—A. At what time?

Q. Last Sunday?—A. It was in Mr. Lilley's room.

Q. Who were there?—A. Mr. Lilley and Mr. Brown.

Q. Senator Brown and yourself?—A. Yes, sir.

Q. Senator Brown advised you to tell the truth?—A. Senator Brown advised me to think up all the details and facts. He said what a court usually was after was dates, as much as possible, and I have tried to think of everything I could and fix the dates.

Q. You told us when you were on the stand before that Mr. Lilley left Washington on the 13th of February?—A. That was my——

Q. He says he left on the 12th. Have you talked it over so that you are able to tell us now when he did leave?—A. From the telegram which he received——

Q. Independent of the telegram—when did you see the telegram?—A. I do not know. The day Mr. Lilley presented it here.

Q. Had you seen it before he presented it?—A. I can not state definitely on that point.

Q. Did you receive the telegram?—A. No, sir.

Q. What do you know about the telegram?—A. Why, Sunday night Mr. Lilley dictated a letter to the Murray Hill Hotel asking them to state, if possible, what date he registered along about that time, whether it was the 12th or 13th.

Q. He dictated it to whom?—A. To me.

Q. I thought you were not a stenographer?—A. I wrote the letter on note paper in longhand.

Q. Then, before he left he told you to draw this resolution up?—A. Yes, sir.

Q. Having talked that over and thought it over, will you tell us when it was that he told you to draw the resolution?—A. It was the afternoon—that is, I have no way of fixing it the 12th except the telegram from the Murray Hill Hotel.

Q. I do not see how that telegram from the Murray Hill Hotel showed the date of the conversation between you and Mr. Lilley.—A. If you will permit me to proceed, I will state it was the middle of the afternoon, and my impression is that he left on the 4 o'clock train—it was between 2 and 4 o'clock, the afternoon train, that he left. As for the day of the month, that is the only way I have of fixing the date—the telegram from the Murray Hill Hotel.

Q. What day was it he told you to prepare this resolution?—A. The 12th.

Q. What time in the day?—A. Between 2 and 4 o'clock—in the middle of the afternoon, some time.

Q. How long a conversation did you have on the subject?—A. Why, as I remember it, he walked out once and then came back and had decided to go on a later train; then he sat down and he said or dictated those two resolutions.

Q. He dictated the two resolutions?—A. In substance.

Q. Both resolutions?—A. Both resolutions.

Q. Have you preserved those notes?—A. Have I?

Q. Yes.—A. No, sir; I have not the notes.

Q. Now, I do not want any confusion. Did you preserve them? I did not ask you if you have them.—A. I did not preserve them.

Q. What became of them?—A. I testified the other day that I thought that they had gone into the wastebasket. They might possibly have been in the desk, but I looked through the desk and can find nothing of the kind.

Q. You did find some notebooks?—A. Yes, sir.

Q. You say that you threw some in the wastebasket?—A. As I testified, I believe my recollection was they were written on scrap paper, telegraph blanks, or something, and I just tossed them in the wastebasket.

Q. Are you accustomed to doing your writing on telegraph blanks?—A. Quite a good deal.

Q. Postal Telegraph blanks?—A. Western Union, I believe.

Q. You are positive about that?—A. Positive about that.

Q. You never wrote anything on a Postal Telegraph blank, did you?—A. *Not since* February 20.

Q. Go back a little of that, say, during the week preceding February 20.—A. I don't remember having seen a Postal Telegraph blank which I wrote on this winter. Possibly I sent one to Mr. Lilley on the train, on the Postal, but my impression is the Western Union, though.

Q. Then that conversation was a very short one, was it?—A. Yes, sir.

Q. What conversation had you previously had on the subject?—A. Absolutely nothing on the subject of the resolution.

Q. And it only takes a few minutes to prepare a resolution of this importance?—A. Mr. Lilley has ability to say a good deal in a few words at times.

Q. Sometimes.—A. I have experienced it at times.

Q. Then he told you to consult with Mr. Thompson about it?—A. Why, I had had that general direction given me to go to Mr. Thompson when I was uncertain.

Q. On all resolutions?—A. When I was uncertain about anything.

Q. Did you go to Mr. Thompson to find out the cost of a submarine boat?—A. No, sir; I went to Mr. Thompson to secure some Senate documents at one time that bore on this.

Q. He told you at this interview to consult Mr. Thompson about this form, didn't he?—A. I have no recollection.

Q. I think you have a little recollection; I do not know as it improves much.—A. I have tried to think it up, but I can not positively state he mentioned Mr. Thompson——

Q. Are you positive that he mentioned the resolution at all?—A. Yes, sir.

Q. What makes you so positive about that?—A. I have no opinion to offer.

Q. What was the date of it?—A. I have given the reasons for placing the date, because he left upon the train that afternoon.

Q. Can not you just as well fix it that that was the day that he told you to see Mr. Thompson about the form of it?—A. I have already explained the general relation between Mr. Thompson and myself.

Q. Answer my question.—A. I am trying to.

Q. Do you swear that he did not on that day that he told you to get up the resolution, suggest that you see Mr. Thompson about the form of it?—A. I could not swear to that at all.

Q. The chances are that he did, aren't they?—A. You are just as well able to infer as I am. I have no recollection.

Q. If I had as poor a recollection I do not know what I might infer. What did Mr. Thompson say about the resolution?—A. Well, he said that the "whereases" were antiquated.

Q. What else did he say?—A. I recall nothing else.

Q. What did he say about the policy of the thing at all?—A. He made no comment that I know of.

Q. It made no impression on him?—A. It was late in the afternoon and he wanted to get out.

Q. He is not subject to impressions late in the afternoon?—A. When a man is busy about his own especial affairs he can not.

Q. What did he say about the policy of such an investigation?—A. *I do not remember anything.*

Q. Didn't he say you had better see somebody about it first?—A. *I recall no such* words.

Q. Are you positive that he did not?—A. I have absolutely no recollection of what he did say, aside from what I have already testified to; so I did not testify as to whether he did or did not say anything.

Q. Your recollection is absolutely positive as to everything that occurred on the 20th of February and on the 12th of February, but not as to anything that occurred in between those two dates; is that what you mean us to understand?—A. That is not the point at all. The point is, you state something which I have absolutely no recollection of having occurred. You ask me if I will swear that it did or did not occur. I am not willing to swear that, because Mr. Thompson is better able to give you the information positively.

Q. Then tell us what did occur from the time that you opened the door of the room and saw Mr. Thompson until the time that you went out.—A. My recollection is that he was in conversation with Mrs. Armour. I walked over to the other table——

Q. Did you know Mrs. Armour?—A. She has been in our committee room. Mr. Lilley introduced a bill in her behalf.

Q. You remembered her and her name?—A. Yes, sir.

Q. And remember that he was in conversation with her?—A. Yes, sir.

Q. And remember that it was about pension matters?—A. I think it was in regard to this bill for relief. I did not hear the conversation.

Q. Go on.—A. I sat down and waited and after that at some point he turned and said, "Is there anything that I can do for you?" I submitted these two resolutions and asked him if they were in proper parliamentary form for presentation to the House, and he suggested the changes, and I——

Q. He sat down and drafted a new form for one of them?—A. I would not be certain, I think he did, he either marked it on the form or wrote it out on his machine. And as for the other resolution, while he was working on that, the Senator came in and he was busy with the Senator, and the Senator asked him some question, and then I left.

Q. Did you hear the Senator ask him?—A. No, sir.

Q. Did you hear what he answered?—A. I did not pay any attention to that.

Q. Of course we could call Mr. Thompson, but we do not want to take up more time with an unnecessary witness, and you just tell us the conversation that occurred between you and Mr. Thompson.—A. I have already told you what I recollect.

Q. Was that all you said, "See if these are right," and then he sat down and redrafted it for you?—A. Of course there is a possibility he said other things, but I do not recollect.

Q. Do you recall anything that you said?—A. No; I could not place any words.

Q. Did he ask you who was going to introduce the resolution?—A. Why, he understood that.

Q. How did he understand it?—A. I was Mr. Lilley's secretary.

Q. Did you tell him Mr. Lilley was going to introduce it?—A. I don't remember having said that.

Q. Did you leave him under that impression?—A. I think he would *have got that* impression.

Q. He did not seem surprised at all, did he?—A. I do not remember that he did. He has been down here twelve or fifteen years, and he would not be surprised.

Q. He would not be surprised at anything?—A. Very likely not.

Q. The draft which he made, did it provide that the investigation should be conducted by the Committee on Naval Affairs?—A. Yes, sir.

Q. How did it get changed to the Committee on Rules?—A. I submitted the draft which I had typewritten over again to Mr. Lilley upon his return probably.

Q. Why did you retypewrite what Mr. Thompson had prepared; was not his draft good enough?—A. I don't remember whether he typewrote it or not.

Q. If you do not remember that, how do you remember that you retypewrote it?—A. It is my recollection that I submitted a clean copy to Mr. Lilley.

Q. What did he say about it?—A. Why, he took it.

Q. What do you mean by that? Swallowed the dose?—A. No; I think he read it over.

Q. I asked you what he said about it.—A. Nothing that I remember.

Q. You think he said nothing? How did you come to change it to the Committee on Rules?—A. I think that was the next morning.

Q. What morning was this that you submitted to him the form of bill as prepared by Senator Bulkeley's secretary?—A. It was between the date of his return and the morning of Thursday.

Q. When did he return?—A. I do not know. It was on Tuesday, I believe. You have it in the record.

Q. I want to get it in the record from your memory. I do not want to stop to look through the record to find anything you can tell me just as well.—A. I have no way of fixing the dates except from the record.

Q. You do not know what morning it was, then? What change was made in it after Senator Bulkeley's secretary prepared the draft? What change was made in it after that?—A. May I look at the resolution?

Q. No; just tell me without looking at it.—A. I don't remember.

Q. With whom else did you talk about it?—A. I have no recollection of having conversation with anyone.

Q. To whom else did you show it?—A. When I left the room here last Friday Mr. Wallmo said he had seen a copy of it in my room either Monday or Tuesday.

Q. Before it was introduced?—A. Yes, sir.

Q. Mr. Wallmo, of the Spencer-Wallmo newspaper syndicate?—A. Yes, sir.

Q. If he saw it at that time, who showed it to him?—A. I do not remember my having shown it to him. I had written some copies and they were lying there on the desk.

Q. Little unimportant matters like this you leave lying around?—A. There was no reason for concealing it that I knew.

Q. What day was this that he saw it?—A. Why, his impression is that it was Monday.

Q. It was introduced Thursday?—A. It was introduced Thursday.

Q. How do you suppose it did not happen to get into the newspapers? Mr. Wallmo is a pretty active, energetic newspaper man, isn't he?—A. Yes; but the newspaper men make it a very strong point of honor not to release a thing until it is printed.

Q. That is quite true when it is given to them under such conditions, but if it is just lying around loose and they pick it up, then there is no point of honor involved in it.—A. I do not know that there is.

Q. Isn't it a fact that you gave it to him on condition that they would keep it and not release it until it was presented?—A. I have no recollection of that.

Q. You do not recall giving it to any newspaper man?—A. No, sir.

Q. Don't you know that they all had it several days before it was introduced?—A. I know nothing of the kind.

Q. How many copies of it did you make?—A. I do not remember.

Q. Did you make more than one?—A. I could not state.

Q. You do not know whether you made more than one copy or not?—A. No, sir.

Q. You just said there were several copies lying around your office. Who made them?—A. Probably there were some carbon copies, and this redraft, as I remember, was changed two or three times.

Q. When you got the matter completed, how many copies did you make?—A. I don't know. I usually make a carbon copy for reference, and there undoubtedly was one.

Q. Didn't you make 40 or 50 copies?—A. No, sir.

Q. How many did you make?—A. I have already testified I may have made two, but I have no recollection as to the number.

Q. How many did you give to Mr. Neff?—A. Mr. Neff never saw the resolutions.

Q. Do you know he did not?—A. That is, in my presence, or by my knowledge at all.

Q. Might he have been as likely to have seen it in your office as Mr. Wallmo?—A. I don't remember of his having been in.

Q. You do not remember of Mr. Wallmo having been there, either, do you?—A. I am pretty certain he was. He usually comes in daily.

Q. Mr. Neff comes in, doesn't he?—A. Mr. Neff had not been in at that time.

Q. Never had been in?—A. He had been in a few times, but I am certain that he had not been in at that time.

Q. You have been in his office, haven't you?—A. At that time?

Q. You have been in his office?—A. I do not understand. Is it "have" or "had?"

Q. Had been?—A. No, sir.

Q. When were you first in his office?—A. Why, I think, on the Wednesday night Mr. Brown and Mr. Judson came.

Q. Wednesday night.—A. I believe he wanted my assistance in dictating some stuff.

Q. Had not you helped Mr. Neff do the figuring on the resolution that Mr. Lilley introduced on February 27? You had not helped on that at all?—A. No, sir.

Q. Didn't you help him do some figuring as to the cost of submarine boats; didn't you work together on that?—A. At that time I did not.

Q. When did you?—A. That was, I think, on a Sunday before it was submitted here; on a Thursday.

Q. Before which was submitted?—A. As it appears in Part IV. It was on a Sunday afternoon before it was submitted to this committee—the matter which appears in Part IV of the record in reference to the cost of submarine boats.

Q. Do you mean House resolution 264?—A. No, sir.

Q. That has some figures in it about the profits.—A. I never knew about those.

Q. Mr. Lilley testified that you assisted in preparing the figures.—A. The figures at the time he was talking about referred to this part which is submitted to this committee and printed in Part IV of the record. His testimony was that I helped prepare the figures which were in House resolution 264, and I think it was dated originally February 22. It was prepared before that time. I was in here at the time and Mr. Lilley was confused as to which matter you were referring to at the time, and it was explained the following day.

Q. What was the first day that you were up in the office of the Lake Torpedo Boat Company?—A. I remember no time before that Wednesday evening that Mr. Judson and Mr. Brown were here, and they wanted me to go over and help prepare matter that they wanted to dictate.

Q. You had been there before, hadn't you?—A. I have no recollection of ever having gone into his office before that.

Q. You had no recollection that Mr. Neff had ever been in yours?—A. Mr. Neff had been in our office.

Q. Didn't you go back and see Mr. Thompson after Mr. Lilley told you to change it so that the investigation would not be made by the Committee on Naval Affairs?—A. Mr. Lilley corrected the draft himself.

Q. Corrected the draft himself?—A. Changed it around.

Q. Didn't you see Mr. Thompson about it afterwards?—A. No, sir.

Q. You are positive about that?—A. Positive about that.

Q. Didn't you show it to him as Mr. Lilley had changed it around?—A. I remember Mr. Thompson commenting after it came out in the paper that it had been changed since he drew it.

Q. Did he find any fault about it?—A. I did not ask him whether his pride was wounded.

Q. That is not the question I asked you, exactly.—A. No, sir; he did not find any fault.

Q. As the resolution was originally drafted by him, what was the Committee on Naval Affairs to do?—A. It was to investigate the methods of the Electric Boat Company and its predecessor, the Holland Boat Company.

Q. Why was it that in preparing the resolution you restricted its terms so strictly to the Electric Boat Company?—A. That was as Mr. Lilley directed me.

Q. Did he talk that feature of it over with Mr. Thompson at all?—A. No, sir; I have no recollection otherwise than what I have testified to with Mr. Thompson.

Q. Did you tell Mr. Thompson this was the idea?—A. No, sir; I have no recollection about it.

Q. Have you any recollection that Mr. Lilley did tell you at all to so draft the resolution as to confine the investigation to the Electric

Boat Company?—A. I remember his telling me to draw up a resolution to investigate the methods of the Electric Boat Company and their predecessor, the Holland Boat Company.

Q. Did he tell you what the object of it was?—A. I do not know that he did.

Q. Their methods concerning what? Manufacture of boats?—A. As far as I remember, methods in relation to past and proposed legislation before Congress.

Q. It read that way?—A. It read that way; I think that is as he dictated it. That is the way I drew it up, anyway, and that was the idea he wished to have me incorporate.

Q. Did he say anything to you about making it broad enough to include any other submarine company?—A. I have no recollection of such a statement.

Q. Why did not you make it broad enough to include other companies?—A. When I have a direction, I try to give what is wanted.

Q. And you do not go beyond the direction?—A. Usually not.

The CHAIRMAN. The committee will take a recess until 11 o'clock Monday morning, according to the announcement.

(Thereupon the committee adjourned until 11 o'clock a. m. Monday, April 27, 1908.)

HEARINGS UNDER HOUSE RESOLUTION 288.

HOUSE OF REPRESENTATIVES,
Monday, April 27, 1908.

The committee met at 11.30 o'clock a. m., Hon. Henry S. Boutell (chairman) in the chair.

All the members of the committee were present.

The CHAIRMAN. I think that we will proceed with the demand upon Mr. Lilley for his letters and copies of letters as set forth in the request of the committee last week.

Mr. BROWN. Mr. Chairman and gentlemen of the committee, I hold in my hand a copy of the list of written evidence or papers prepared by the chairman of the committee, that were with a request that all papers that were included in the list should be produced before the committee for their examination for such subsequent action as their examination might induce them to take. They are, letter from Mr. Goff to Mr. Lilley; letters from Mr. Lilley to Mr. Goff. All letters to and from Mr. Lilley to any persons connected with Connecticut newspapers; also Webster's notebooks; stenographer's book of stenographic notes; all Mr. Lilley's letters and copies referring to the House, its officers, or this committee, relating to the investigation since February 1, 1908.

As to the first request for the letter of Mr. Goff to Mr. Lilley, and the answer prepared by Mr. Webster, as appears in the testimony, I have to say that we are ready to comply with that request of the committee, and I have with me the original letter of Goff to Lilley and a copy of the answer. I will produce them now if the committee so desire.

(Two papers produced and handed to the committee.)

As to the other papers referred to in this request, I desire to offer to the committee some reasons why, in my judgment, Mr. Lilley will be justified in not acceding to your request. The resolution of the House of Representatives under which this committee is acting is in the following terms:

Whereas Mr. George L. Lilley, a Representative from the State of Connecticut, on his responsibility as a member of this House, before the Committee on Rules, has, among other things, stated in substance that the Electric Boat Company, of New Jersey, and their predecessors, the Holland Boat Company, have been engaged in efforts to exert corrupting influence on certain Members of Congress in their legislative capacities, and have in fact exerted such corrupting influence: Therefore, be it

Resolved, That a committee of five Members be appointed to investigate the charges made by said George L. Lilley of corrupt practices on the part of said company and of Members of Congress with respect to legislation, and that said committee shall have authority to send for persons and papers and to take testimony in Washington, District of Columbia, or elsewhere, either before the full committee or any subcommittee thereof. Said committee shall report as speedily as possible with such recommendation, if any, as to the committee shall seem meet.

That the House of Representatives had the right to appoint this committee and to clothe it with the powers which the resolution

which I have read purports to give it; that this committee has the power to inquire into matters embraced in the resolution, and in order to make that inquiry effectual has the right to compel the production of oral or written evidence legitimately bearing upon these questions, I do not contest. My sole purpose, Mr. Chairman and gentlemen, will be to satisfy this committee that the written evidence which you have asked Mr. Lilley to produce does not bear upon the questions into which, under this resolution, you are to make inquiry—that is, to use the language of the act of Congress, they are not pertinent to the inquiry. You will see, gentlemen, that I have limited myself in this description to very narrow limits. I start with the assumption that if Mr. Lilley has in his possession or under his control any of the written evidence included within the request which is pertinent to the inquiry which you are conducting under this resolution of the House, the committee has a right to compel its production.

Mr. STEVENS. Suppose that Mr. Lilley by some act of his has impeded the securing of evidence that would be called for from this inquiry; have we not the right to examine into that?

Mr. BROWN. I am rather inclined to think, Mr. Stevens, that that would constitute a new request for different information from that embraced in this request that has been made, if I understand your questions properly, and I would rather confine myself to the issues that are raised by this request for certain specific papers. That matter you speak of might justify an oral inquiry, something of that kind, because I do not know what you have in mind. I would prefer to confine myself to matters that are relevant to the request that was made the other day. With all due respect to the members of the committee, I would like to answer any questions that they would put to me, but I would prefer to confine my attention to this particular request.

You will observe, gentlemen, that the request is in very general terms. Let me take it up item by item. Letters to Lathrop. Letters to Lathrop may have been business correspondence, may have related to social matters, or any of the thousand or million things that Mr. Lilley's relations to Mr. Lathrop might make the subject of this communication. All of those, without discrimination, Mr. Lilley is asked to produce.

All letters to and from Mr. Lilley to any person connected with Connecticut newspapers. We have again a very general request which may cover papers having nothing to do with this inquiry and relating to social matters, or to political matters in his own State, or to any other of the thousand other things that my imagination does not enable me to call your attention to at this moment.

Also Mr. Webster's notebooks which may cover the dictation of any letters written for any purpose to any person, counsel, or anybody else, stenographer's notebook of the stenographer. I would say the same thing in regard to that.

All Mr. Lilley's letters and copies referring to the House, its officers, or this committee, relating to the investigation, since February 1, 1908.

Mr. OLMSTED. There was some testimony which led us to ask for those notebooks of Mr. Webster's and the stenographer's notes. Is it not pertinent for this committee to inquire of a witness and ascertain what correspondence he may have had with any submarine

torpedo boat company on the subject-matter of this inquiry or concerning legislation now pending in Congress?

Mr. BROWN. I should think, with all due respect to the member of the committee, that the inquiry should be directed to the particular matter which it is supposed these letters would bear upon, and that that matter should appear upon its face to be within the scope of this inquiry.

Mr. STEVENS. Then get back to that question which I asked you: If the record showed that Mr. Lilley by some conduct of his own had defeated the securing of testimony or in preventing this inquiry being successful in the line that it had a right to proceed, have not we a right, as part of that power, to demand that testimony?

Mr. BROWN. That, I think, will come up in connection with what I was going to say. Your suggestion I think I will meet when I come to discuss the particular requests for letters.

I call the attention of the committee to the very general language used in the request, and that if everything comprehended within the language is to be furnished it practically requires Mr. Lilley to furnish copies of all his correspondence, of whatever nature and to whom addressed, from February 1, 1908.

That the last request—for letters referring to the House, its officers, and this committee, and relating to the investigation—is not, in itself, it strikes me, very specific; but I am going to, for the moment, discuss this matter as if there were a specific request for copies of letters under the control of Mr. Lilley referring to the method of conducting this inquiry and letters discrediting the action of the committee. Assuming that to be the fact, and in that connection I will take up also the suggestion of Mr. Stevens—that the committee ought to have the right to discover whether Mr. Lilley has been embarrassing this committee, or even preventing it getting legitimate evidence or impeding it in securing it, which I understand to be the inquiry—and I take that up together, because, as I view it, none of that information would bear directly on the investigation that you are conducting. If any letters have been written disparaging the committee or criticising improperly its members, or criticising Members of the House of Representatives, it does seem to me that, even if produced, would not furnish the foundation for any report which you are endeavoring to determine, but if they were of significance at all would simply furnish the base or foundation for proceedings for contempt.

Now, if Mr. Lilley, for instance, has prevented a witness from coming here, what would a court say? Would it say that it was evident that a certain fact was or was not true, or would it be impeding the course of justice? What the witness would say does not appear. Suppose that a party to a suit or anybody else criticised the action of a court; what is the proceeding? Punishment for contempt. I say, therefore, that, in my judgment, the evidence that you call for, so far as you have specified it, would not have a bearing upon the subject-matter of the investigation in any way to discover the facts in relation to the matters that you are inquiring about, and at most would furnish a foundation for proceedings to punish for contempt. I do not understand that this committee has any power to punish for contempt. If any proceeding is to be had I understand it must be by the House of Representatives.

Representatives should see fit to initiate contempt proceedings, and should want the facts investigated by the committee, it would appoint a new committee, would it not, and would commission it to discover, for the benefit of the House, the facts bearing upon that question of contempt. I do not see, inasmuch as this committee has not, as I understand it, the power to punish for contempt, and inasmuch as, speaking disparagingly, if it has been done, has no direct bearing upon whether corrupt motives has been adopted by the Electric Boat Company or corruption has been rife in the House.

Mr. OLMSTED. Let me see if we understand your position. That if any witness appearing before this committee refused to testify or to produce papers called for, and deemed by this committee to be proper and pertinent, then this committee must refer the matter to the House and the House must appoint another committee to investigate and determine whether or not that witness is in contempt, and that, therefore, if a dozen witnesses or 50 witnesses should so conduct themselves before us, we would have 50 committees investigating their conduct and determining whether or not anything ought to be done in the matter.

Mr. BROWN. I do not want to be understood just that way. If a witness refused to produce evidence that the committee might properly call for, I understand there are two remedies. The committee does not act directly in the punishment of the witness. It reports the facts of contumacy to the House. The Speaker may certify it to the district attorney of the District of Columbia, and under the act of Congress it goes to a grand jury and the man would be indicted, and he may be fined $1,000 and sent to jail for one year. That is one remedy. I do not understand that that excludes the power of the House to protect its own dignity. In addition to that the House itself may take proceedings against a man to punish for contempt. Those proceedings would be more familiar with you than myself. I simply suggest that if the evidence was to be gathered by a committee it naturally would be a new committee. I am not sure about the procedure. All I want to say is that the action to punish for contempt would be initiated by the House of Representatives and not by this committee. How they would go at it you know better than I.

Mr. OLMSTED. It might be recommended by this committee and immediately passed upon by the House.

Mr. BROWN. I understand if this committee were satisfied that there was contumacy on the part of any witness, it would report that, and possibly the speaker would certify it, under the act, to the district attorney of the District of Columbia. In addition to that, I understand it can be done as the Supreme Court has said, the House can protect its own dignity by punishing for contempt, and the courts of the District of Columbia can punish also for a violation of the laws of the United States, and that the two are not double punishments.

Mr. OLMSTED. And that contumacy may be referred to the district attorney, and it does not take away any rights or powers which, under the Constitution, the House itself possesses.

Mr. BROWN. I understand the Supreme Court has said just that. And, of course, it is analogous to the power of a court of justice. Suppose one of you gentlemen were sitting upon the bench, and while you are holding court one of the parties stepped up to the bench and *used slanderous* language to you; if it happened to be that kind of

language, as it is in some States, which constitute a criminal offense, would it prevent the court from punishing by committing that man to jail? One is to punish for a contempt, the other is to punish for a violation of the law of the land, and both proceedings may be had, based on the main facts. I think the Supreme Court of the United States has said just that in the Chapman case in 166.

I ought to say this, in justice to myself; I have come here on a hurried call, not expecting that this question would come up. When I left here early in March I assumed that my connection with this investigation was at an end. I had raised a question similar to this one when I was here, and when I went back home, I did not expect to have anything more to do with this inquiry, but I had the curiosity, for general information, to sit down for about a half a day and look up these questions. That examination brought to my attention those three cases in the Supreme Court of the United States, and there may be more—the Thompson case, the Kilburn case, where it was held by the Supreme Court of the United States that the House had no right to inquire into private affairs unless it was for the purpose of getting information to perform some of their legitimate functions. The other case, the Chapman case, where it held that the Senate, through its committee, did have a right to compel information from a house of stock brokers when the question was whether members of the Senate had been acting corruptly with reference to certain stock. I also read the old case in 14 Gray, which is cited with approval in the Kilburn case. The decision of the Supreme Court of the United States says it fully approved of it, after paying a handsome compliment to the distinguished Massachusetts court, one of whose members was that great, just, and rugged character, Lemuel Shaw.

It is said in this case that this information can be compelled when it is necessary to enlighten either House of Congress on a question within its constitutional powers, where it is either acting or might act.

The House, having before it a bill providing for an appropriation for submarine boats, and also having an additional provision that the Secretary of the Navy should contract for submarine boats, and that bill being so framed that the phraseology, in conjunction with outside circumstances, practically, it is conceded, limited the contract to one company, that it is to be the sole beneficiary of the bill if it became a law, that then, under these circumstances, in order to determine how Congress might properly act, and discharge its constitutional function of providing for a navy, might properly within its constitutional rights discover what methods were being employed by the beneficiary of that bill with the purpose or attempt to secure its legislation, and whether Members of Congress had themselves been acting improperly with reference to the question of whether there was any Member of the lower House who should be disciplined——

Mr. STEVENS. Is not that rather broad? The language of the resolution is, "And of Members of Congress with respect to legislation." Now, anything that concerns the action of Members of Congress with respect to that legislation, any act in any way, would be pertinent. Now, if Mr. Lilley's letters disclose anything, any kind of an act, that intimidated or unjustly or corruptly influenced any Members of Congress with respect to that legislation, haven't we a right to examine it?

Mr. BROWN. If you will allow me, you interrupted me before I had considered what I wanted to say. I was speaking, not with

respect to what the House of Representatives had done, but what it could do. Having stated what I consider it might be fairly claimed to be its powers, and the powers of this committee can not of course be larger than the lower House can confer upon it, and they may be much narrower, so that having conceded, so far as this discussion is concerned, that the House possesses the power to do it, I now turn to the resolution to see to what extent it has exercised that power. You see what I have in mind. So that having made the confession, I then turn to the resolution and see what it has ordered this committee to do. It is to make an inquiry into the corrupt practices of the Electric Boat Company and corrupt practices on the part of Members of Congress, two distinct branches, and possibly with two distinct purposes. An examination into the methods of the Electric Boat Company, so far as their attempt bearing upon the question of how Congress should legislate, and the action of Members of Congress, if corrupt, any action bearing upon that and bearing upon the question whether you would allow them to remain in your midst any longer——

Mr. STEVENS. The honor and dignity of the House?

Mr. BROWN. The honor and dignity of the House. I am stating the exact items that have occurred to me as I go along.

So I turn now to the resolution itself, and properly claim that the evidence you can properly call for must be evidence bearing upon one or the other of those two things, and useful information in respect to one or the other of those two matters. Now, if I am right thus far, whatever the House might do itself, or whatever it could authorize this committee to do in excess of what is provided in this resolution, no matter what it is, it is not within your powers. Now, I have had read to me, in reference to this—and I do not say this as evidence for the committee to take the facts from, but as explaining the ground I have taken in advising my client. I have had read to me every copy of a letter which refers either to this investigation, to any legislation at any time on submarines, or to submarines, and in my judgment there is not one that bears on either of those two matters, or is what is called in the act of Congress "pertinent to this inquiry." If it does not do that, no matter what the phraseology may be or what reflections may be cast, then I say it is not within the power of this committee to compel the production of it in this matter, because it is not properly within the scope of your inquiry. If it reflects unjustly upon any Members of Congress, or particularly upon the members of this committee, the mode of redress is to report a basis for contempt proceedings to the House and let the House take such action as it may see fit. More than that, if there was a letter bearing upon this very subject, and the production of it was refused, and you knew just what the contents of the letter were, and were perfectly satisfied that it would throw light upon this transaction, and was improperly refused, what would you do? Would you report that to the Speaker, and let him certify it to the district attorney and have the man prosecuted, or would you attempt to prosecute and punish him? And having satisfied myself that there is no law that authorizes that—and I do not say this for evidence to you——

Mr. OLMSTED. You substitute your judgment for that of the committee.

Mr. BROWN. But substituting my judgment for that of the committee, upon my own judgment I then said to myself, suppose now

that the committee had made a report and contempt proceedings are had, the act of Congress says that the witness who refuses to testify or produce a paper actually pertinent to the inquiry, in my judgment or anybody else's judgment, if he does do that, then he is exposed to the penalty of $1,000 and a year in jail, and there is not a letter there that can not be produced, if it is necessary to produce it, but any certain investigation would show that in fact—and the law punished the fact of improper refusal to answer, whenever there has been any refusal to disclose any evidence bearing upon the question involved in this inquiry. Now, on the strength of my own judgment, which may be wrong—I am not so confident of it as I was thirty years ago—in my own judgment of these letters, on being shown and read they would not touch the important fact within the meaning of this resolution, they would not throw any light whatever upon either of those things which are, I think the committee will agree, the only ones you are to investigate.

Mr. STEVENS. Now, would not that throw some light upon the things that might actuate Members of Congress with respect to this legislation, some of the things outside of Congress that in a wrongful way influenced Members to vote for or against some of the phases of this legislation?

Mr. BROWN. Let me take an illustration: It has been brought out here that a letter was written to a Connecticut man and published in the Hartford papers. Now, the man who received that private communication gives it to the public press. It is conceivable that that letter given circulation—that is, by putting it in the leading paper of Connecticut—might come to the attention of somebody having a vote on this question in the House of Representatives. I can understand how it might influence in that way. But I can not understand how a private letter, even if it were reflecting on the conduct of this investigation, could possibly have influence on the action of Congress in determining what bills should or should not be passed.

Mr. STEVENS. Let me ask you there. The record shows, if I recollect, that there is a newspaper published in Connecticut in which Mr. Lilley exercises some influence?

Mr. BROWN. That is an assumption, because the family own the bonds.

Mr. STEVENS. His family own the bonds. Now, the record shows that he has written a letter to the editor of this paper concerning this investigation or this inquiry in some way. Now, it appears that this newspaper has misrepresented this whole situation and has made arguments and has misstated conditions so that this misstatement would, if brought to the attention of Members of Congress, have an influence upon those Members of Congress either for or against some phases of this legislation. Now, would not that letter from Mr. Lilley under these circumstances be pertinent to this inquiry as a mainspring of that wrongful influence upon Members?

Mr. BROWN. I can not understand, Mr. Stevens, how it would tend to prove corrupt practices on the part of the Electric Boat Company, or corrupt influence on the part of Members of Congress. You see I am taking the resolution as defining the limits of your power.

Mr. STEVENS. That is what I am taking.

Mr. BROWN. Test it by the resolution. A letter is written by Mr. Lilley to a paper in which his family is interested to the extent that *they own the* bonded securities of the company.

The CHAIRMAN. Right on that point, may I interrupt you, or would you rather proceed and finish your argument?

Mr. BROWN. No, I would welcome any interruption. I am making no set argument.

The CHAIRMAN. Of course this request upon Mr. Lilley was based upon the entire record. It was not based in any sense exclusively upon the point which you have been arguing. Whether the document or letters would contain anything pertinent to the inquiry as outlined in the resolution, we will put that entirely to one side and admit, for the purposes of the argument, that it is immaterial what this committee is examining into or what there is in the resolution. We are sitting under the authority of the House, performing a function for the House. During the inquiry it appears that the principal witness, who is a member of the House, has written a letter reflecting in very grave terms upon the character and intention of the committee. That, of course, is a reflection upon the House. The evidence tends to show that Mr. Lilley's secretary wrote the letter and signed Mr. Lilley's name to it. This testimony seems to be corroborated by Mr. Lilley; however, I would not attempt to state from recollection whether he swore positively that he did not sign it.

Mr. BROWN. Yes, Mr. Lilley swore that he did not sign it.

The CHAIRMAN. Now, the production of that letter, which we will now compare in connection with another, suggests the importance of seeing the 10 or 12 or 15 other letters which Mr. Webster referred to as reflecting upon this committee, but was uncertain whether he signed Mr. Lilley's name to all of them or not or whether Mr. Lilley did. It becomes important for this reason: We have in our possession a letter which tells this whole story, a letter directed to me as chairman of the committee, and dated April 12, 1908, with a memorandum under it, "Dic. not read"—dictated not read—signed "George L. Lilley—Webster." Now, there is the way he signed George L. Lilley's name. Now, it seems impossible at a casual glance to the members of the committee that the man who wrote "George L. Lilley" the way he did undoubtedly write it there has written "George L. Lilley" on the copy. Is it not impossible that the same man could have made thoses ignatures?

Mr. BROWN. My attention was called to the similarity between the signature made by Mr. Lilley as made by himself and the signature made by Mr, Webster, and my one purpose to-day was that the committee might at once have a chance to compare them with other signatures and see whether there is the similarity. In other words, it was suggested, I think, that there is a similarity between the signatures, and we are perfectly willing to let them come before the committee and write "George L. Lilley" and let the committee compare it. In one instance I do not write my name just the same as in another, and we are perfectly willing that they should come down and each write "George L. Lilley" and let the committee compare and see the resemblance.

The CHAIRMAN. Does not the fact that this question is raised on this matter, a matter which is not a question of evidence but of contempt, raise a basis which can not be removed for the production of the 12 or 15 other letters concerning which Mr. Webster is in doubt as to whether he signed Mr. Lilley's name or whether he signed it *himself*? Here is a letter over Mr. Lilley's own signature, undis-

avowed by him, making the gravest possible reflection upon the character of this committee, which implies a reflection upon the honor and integrity of the House. After a month has passed the secretary says that he wrote it and signed Mr. Lilley's name without Mr. Lilley's knowledge. Now, on its being produced and compared with undoubted signatures of Mr. Lilley's name by Mr. Webster, it appears not to be the signature, but an exact facsimile of Mr. Lilley's own handwriting.

Mr. BROWN. You would not say exact without examining it.

The CHAIRMAN. We have examined it.

Mr. BROWN. Let them come before the committee and sign the signature in the presence of the committee——

The CHAIRMAN. To finish the point, there are those dozen or 15 letters referred to, so that it becomes a question not at all whether it is pertinent testimony, but it is solely a question of contempt.

Mr. BROWN. Do I understand, Mr. Chairman, that the situation is that the evidence is wanted for the purpose of determining the genuineness of the signature and not for the purpose of showing the reflections upon the committee?

The CHAIRMAN. No.

Mr. OLMSTED. For every purpose.

The CHAIRMAN. For every purpose for which it can be produced. But the mere fact that there was such a letter, and that Mr. Lilley had known it for a month, and no steps were taken to disavow it, and only disavowed after it was inquired after under oath, and it also appears from the secretary's testimony that twelve or fifteen other letters might be out, he could not recall each—his recollection is very poor—and it seems to be quite pertinent to find out whether this is a part of the chain of letters conveying this same source of information to people of his acquaintance.

Mr. BROWN. Then I understand the committee would want the letter, not for the purpose of showing whether the signature is genuine, but to show the contents of the letter?

The CHAIRMAN. For all purposes.

Mr. BROWN. I suggest it would be very helpful to me if the committee would state the purpose for which they wanted these letters, and it would enable me to advise my client more intelligently whether it was his duty to produce them. In the absence of that information and in view of the fact that the chairman of the committee stated, I think on Saturday, that the production of letters was desired in order that they might be used for all purposes the legitimacy of which will be shown on the record—I think that is the substance of it. That statement, which was different from what I hoped it would be, has left me to evolve in my inner consciousness all the imaginary purposes for which the committee could possibly use these letters.

The CHAIRMAN. Let me say, if there are other letters conveying similar sentiments to those which have been sent out, is it not sufficient for us to state the one purpose that we want those letters for is to see whether Mr. Lilley was for several weeks in that state of mind toward the House, of which he is a Member, and toward the committee investigating his charges?

Mr. BROWN. If the matter of discipline of Mr. Lilley was before the House, there might be a propriety in that, but the chairman has sug-

gested that he will discard for a moment the restriction of this resolution; I can not.

The CHAIRMAN. We will admit, for the purposes of the argument, that you made your argument good for the demand for these twelve or fifteen letters reflecting upon the committee. Is it not pertinent to inquire into the corrupt methods of the Electric Boat Company, whatever work it is doing, when it is called to the attention of the committee that the principal witness, who is a Member of the House, has sent out such a letter as this, or has allowed it to stand, and that there are others—does it not become, in fact is not the committee bound to inquire whether the Member of the House has been for some length of time in that state of mind as is disclosed in that letter? The committee would like to have counsel to consider that feature of it.

Mr. BROWN. Let me bring it down to the concrete application. You have before you a letter the cognizance of which the committee naturally disclosed. Suppose that letter was admitted by Mr. Lilley to have been written by him and the signature to be his own general signature. You have to give the purpose wnich you are going to put it to in this investigation. Is it going to change your opinion as to whether——

Mr. OLMSTED. We might change our opinion as to the conduct of Members.

Mr. BROWN. Precisely, but you are not going outside of this matter into another matter which the House has not committed to you?

Mr. OLMSTED. This committee is charged with the investigation of the Electric Boat Company and the conduct of Members with regard to legislation.

Mr. BROWN. "Corrupt conduct" is the phraseology, I think. I apologize if I am wrong about that. The language is "Electric Boat Company, at New Jersey, and their predecessors, the Holland Boat Company, in efforts to exert corrupt influences upon certain Members of Congress in their legislative capacities, and have exerted such corrupting influence." The action of Members of Congress is only stated inferentially that the corrupt influence has been effectual.

Mr. OLMSTED. The resolution in its preamble set forth that Mr. Lilley had stated in substance that the Electric Boat Company and its predecessors have been engaged in efforts to exert corrupt influence on certain Members of Congress and have exerted such corrupt influence. Now, then, "Therefore, be it *Resolved*"—this is the resolution—"That a committee of five Members be appointed to investigate the charges made by said George L. Lilley of corrupt practices on the part of said company and of Members of Congress with respect to legislation, and that said committee shall have authority to send for persons and papers and to take testimony in Washington, D. C., or elsewhere, either before the full committee or any subcommittee thereof. Such committee shall report as speedily as possible with such recommendation, if any, as the committee shall seem meet."

Mr. BROWN. "And of Members of Congress."

Mr. OLMSTED. "And of Members of Congress with respect to legislation." Now, suppose it should develop that this very resolution *of inquiry* or investigation was itself offered with the intention to *influence legislation*, that the investigation should influence legis-

lation, as there is some evidence to show. Is it not competent for the committee in determining the conduct of Members in regard to legislation to ascertain if we can the motive for the introduction of the resolution, the person who may have been behind it, and to that end is it not competent for us to ask for correspondence upon that subject?

Mr. BROWN. The suggestion of the member of the committee, I hope you will pardon me if I say is certainly ingenious, but I can not agree with it, if I may say so without disrespect to the committee.

Mr. HOWARD. Putting it in a little different view; would it be competent and within the scope of this committee's investigation to produce evidence which in itself tended to contradict or to impeach the evidence of a material witness to the substantive charges?

Mr. BROWN. I have been waiting for that; I have been expecting to be asked that question. Now, I sat here the other day and listened with interest to the examination conducted first by Mr. Stevens, I think, and it seems to me to be bearing along that line of contradiction, or effort to contradict, to impair the effect of the testimony, and it went through my mind, what is this proceeding? Now, when you go into a court of justice, the man who produces the witness can not cross-examine. The other side can break down his testimony or impair it. What is the relation of this committee to this witness who was sworn under the direction of the committee? Having used him as a witness can they properly impair the credit of his testimony? In other words, are they the other side? Now, I don't know.

Mr. OLMSTED. Right there, what do you say as to our right to compel the production of books of the Electric Boat Company and the Lake Torpedo Boat Company? They have all sworn to the effect that they do not contain anything improper, and now we have called on them for the books at the suggestion of Mr. Lilley.

Mr. STEVENS. Is there any more than one side to this investigation?

Mr. BROWN. I don't know whether there is.

Mr. OLMSTED. If we can not get anything out of them on cross-examination, can we demand their books at all?

Mr. BROWN. You will observe, gentlemen, I have studiously avoided any reference to the duty of the Electric Boat Company to produce their books, although it is impossible to speak of one case without using the principles applying to the other. In other words, the powers of this investigating committee are the same whether applied to one or the other. My purpose was to start my case at the point of divergence where the circumstances in the Lilley matter differed from the circumstances in the Electric Boat matter. If I had been privileged to take part in the trial of the case I should have been glad to look up the matter carefully and address the committee on that matter, but I have not done it and I would not want to express an opinion, and anything that I say is confined to Mr. Lilley's case, so that that may be understood.

Mr. OLMSTED. I suggested the inquiry because it seemed to me that right there the divergence was not clear. You suggested for the calling of these papers to break down the testimony of Mr. Lilley as on cross-examination. Would not that be equally true in the case of the boat companies?

Mr. BROWN. I would rather take it as directly applying to the case of my clients; I would be rather kept out of their controversy. I expected the question to be propounded by Mr. Howard, and while I do not understand, and I do not know what the nature of this proceeding is and how far the rules in court are applicable to this conduct, assuming that it is hard for the committee having examined the witness to discredit the witness by contradiction, I say to you gentlemen that I have examined the letters with reference to that and I can only give my judgment as to what they will show, and I have arrived at my conclusion in my own mind that these letters disclose nothing that would affect in any way the testimony of Mr. Lilley.

Mr. OLMSTED. Suppose right there—Senator Thurston, counsel for the Lake Boat Company, says that an examination of the books of that company would not disclose anything that the boat company should not have done, and Mr. Littleton and Mr. Lindsay say that an examination of the books of the Electric Boat Company will show nothing that we have any business with.

Mr. BROWN. As I have said, I want to keep entirely clear of any action you may take with reference to the Electric Boat Company or the Lake Boat Company. I am not asking you to do anything in that respect; I simply want to state my position in reference to the demand for the letters of this man. If my opinions are worth anything and they are right, of course I expect, if you will agree with me, in my case, that you are not going to stand upon a different assumption of law in a precisely similar case that can not be differentiated. I certainly do not deny the application of a certain legal principle to another man who has a right to stand on exactly the same legal principle.

The CHAIRMAN. In other words, you concede that Senator Thurston's opinion as to what was in the Lake Company's books is as good as yours concerning what is in your client's papers?

Mr. BROWN. I certainly do not concede anything about Senator Thurston or my friend from New York. I am trying to keep within the lines of my own case.

Mr. HOWARD. Do I understand your position to be that on the rule of evidence where a party calls a witness for examination, and that he is then denied the privilege of contradicting or impeaching that witness unless he first lays the foundation by showing that he has been entrapped by some witness as to what they expected to prove by him?

Mr. BROWN. I would say it in a little different way. I understand the rule is in accordance with this—at any rate that is the rule with which I am familiar—that when a party produces a witness he can not impair the value of his testimony by direct testimony to impeach him, but that if the witness is caught in a snarl and has put upon him evidence that he has every reason to believe is contrary to what that witness would state, he has then a right not to produce evidence on the impeachment of his own witness, not to show that his character is bad, but to show by other evidence that the fact is to the contrary. That is the rule in Connecticut.

Mr. HOWARD. The impeachment of character?

Mr. BROWN. But on the contradiction of facts.

Mr. HOWARD. And that may appear in other evidence, or conflicting evidence of witnesses?

Mr. BROWN. It may.

Mr. HOWARD. That is in the interest of getting the truth. Conceding that that position applies to a state of facts given, let us see if the facts differentiate in any wise. For the purpose of determining whether this contradictory evidence of Mr. Lilley could be used, are you not driven to the whole resolution, and the whole resolution starts with the preamble, "Whereas the Hon. George L. Lilley, on his responsibility as a Member of the House of Representatives", charges so and so, therefore it is resolved that such and such a committee be created to make such and such an examination. Does not the very wording of the resolution, the words, take Mr. Lilley out of the category of a witness called by the plaintiff or defendant on his own behalf, and relieve the committee of any responsibility for his testimony either way, and is he not in the position of a witness called by the plaintiff or defendant in plaintiff's behalf or his behalf?

Mr. BROWN. I am not absolutely unfamiliar with the rules of the construction of statutes, and if my memory is correct, with such principles as I have heard and am somewhat familiar with, the rule is this, that the preamble has no part in the enacting part of the statute. It is referred to not to show what enactment has been made, but to construe an ambiguity that may arise in the enacting part of the statute. It can not contradict the enacting part; it can not add to it, but it may explain an ambiguity. That I believe is the rule laid down in the books as to the effect of a preamble in determining the meaning of a statute.

Mr. HOWARD. I agree with you about that. But is that the precise question? Are we after getting the precise words or enactment of the law? Are we not undertaking to illustrate the purpose, and consequently the scope of the investigation, and in that sense is the preamble essential, relating to it in so far as it tends to fix the character of the witness on whose statement the investigation is offered?

Mr. BROWN. The purpose of an ambiguity in the language of the enacting clause and the preamble will serve to show what the meaning of the enacting clause is.

Mr. HOWARD. It is supplying an additional fact, which additional fact attempts to fix the relation of A. B., who happened to be a witness in the investigation, and determine his character as such witness to that investigation.

Mr. BROWN. In answer to that I would return to what I said; I can not see that it enlarges the scope of the investigation, but I plant myself squarely on the meaning of the enacting powers of this resolution. I would like to add to that that I have taken into consideration the very question that has been asked of me by Mr. Howard, and I have examined the papers with reference to that. Now, I have examined them with this in mind. Of course, the committee will not care about what my judgment is on the letters—they will form their own judgment——

Mr. HOWARD. Your opinion is perfectly good for the purpose of this argument.

Mr. BROWN. I am giving that simply for the argument. I am looking to see where my client would be if proceedings were taken in some form or other, and I have said this, if my judgment is right, and the papers are not produced, to the party before whom the matter *comes, that* I would believe my client was justified. I take

the risk, or my client takes the risk of faulty judgment on my part in not producing those papers.

Mr. HOWARD. Would a newspaper of general circulation, a circulation that included this committee's observation, which would write or print anything that would be a contempt to the committee——

Mr. BROWN. I should like to look at the Constitution a little further before I attempt to answer that. If I remember the Constitution, for disorderly conduct on the part of Members they may be expelled with two-thirds vote.

Mr. HOWARD. No; I think my question did not call for that answer; it is the general proposition, can a newspaper of circulation that publishes anything concerning the committee, whether it would be a contempt of it?

Mr. BROWN. I would not undertake to say that the House of Representatives itself, if the reflection was on the House or certain members of the House, could by its own process get after that newspaper. I do not know; I have not had any occasion to examine that question. There might be some difficulty in making a process reach for disrespect to the House. Of course, if it were slanderous it would be judicial.

Mr. HOWARD. I am trying to put a concrete question about this committee. I am speaking of this committee.

Mr. BROWN. I am unable to answer that—I do not know whether the House could proceed.

Mr. HOWARD. Then let me answer it for the purpose of getting at my full argument. Then if it could be shown that Mr. Lilley, a Member of Congress, wrote letters which excited such criticisms, it being agreed that the criticism amounted to contempt, that Mr. Lilley wrote letters inciting it, if the paper would be guilty of contempt, would Mr. Lilley also be guilty of the contempt?

Mr. BROWN. I have proceeded on the assumption that Mr. Lilley or anybody else, being a Member of the House, might be guilty of contempt; that was within the jurisdiction of the House to punish. My point has been, not in this case, not with this committee, but they can not gather facts or evidence on it without a due commission.

Mr. HOWARD. Do I understand you to state that there are two possible contempts on this committee, one created by statute and another inherent in its power?

Mr. BROWN. I do not call them both contempt; the contempt is acted upon in the House itself and the other a violation of the statute, of the law of the United States.

Mr. HOWARD. In other words, you have got a statute which says that the failure of a witness to respond to a legal process in an investigation concededly in the jurisdiction of Congress——

Mr. BROWN. In a pertinent inquiry.

Mr. HOWARD. Unquestionably—that the failure to show favorable response amounts to contumacy which the committee shall report to the House.

Mr. BROWN. I do not necessarily say that. I admit that probably the House might certify under the statute to the district attorney in Washington. To use your own illustration, Mr. Lilley used toward this committee language which everybody concedes amounted to a contempt, a distinct contempt, in itself not legally different from a *refusal to* appear and testify in obedience to a summons, as it is not necessary to go through some process before punishment.

That would be the one thing I would call contempt; the other is a violation of the law of the United States.

Mr. HOWARD. Now, then, would it be pertinent as connected with this inquiry for this committee to search for original or additional evidence that such an act was committed?

Mr. BROWN. As I understand the law relating to contempt, there are two kinds: One committed in the presence of the court—that is the one you refer to—subject to summary punishment by the court on its own knowledge, being an immediate commitment without calling witnesses or anything of the kind. That is what is called criminal contempt. Now, there is another kind of contempt committed outside of the court room and not in the presence of the court, either actual or constructively. For that process is required. The man that is charged with contempt is brought in, and he can offer evidence. It is a civil contempt as I understand the law, absolutely different. Now, on the part of the committee it is asked of Mr. Lilley that if this letter refers to disparaging remarks, it is to show what? It is to compel him to produce evidence that he has been guilty of contempt; not to show the contempt, but to produce evidence that he has been guilty of the contempt. I am not going to raise the fifth amendment in his favor. An honorable man does not like to have that raised. I do raise the fourth amendment of the Constitution of the United States about unreasonable searches and seizures, because I believe it is universal that it makes no difference whether an officer is sent by a search warrant to take a paper by force or a subpœna issued to compel the production of it. The law is the same. I should have stated under the fourth amendment, waiving the fifth amendment, I claim that Mr. Lilley is not liable to produce this paper. I say it respectfully, the power to make him produce it is not here under the circumstances, and, as will be shown by the contents of these letters whenever produced, they are not pertinent to this inquiry. No man likes to produce his private correspondence. Under the fourth amendment nobody, no person's house, property, or the contents, or whatever a thing it may be, is subject to unreasonable searches and seizures.

I expected to say what I wanted to say in five minutes. I am very glad to have been asked these questions. They bring information to me if they do not bring it back to the committee.

At the expense of repetition I would say that so far as these papers bearing upon the question of disparaging remarks made about the situation as I view it is this: Can a man be compelled by the production of papers to show that he has been guilty of a contempt and to show before a committee that is commissioned by a resolution bringing it into existence to inquire into certain specific matters not relating to the question whether a Member of Congress has spoken disrespectfully of the committee or not? My contention is that it can not be done; it must be done in another way.

Mr. HOWARD. Your position is that it can be done for other purposes.

Mr. BROWN. Not with this committee. I would not go so far as to say that the House of Representatives could not look into it. That question is not presented to me. I am trying to speak upon the situation exactly as it exists as to the powers of this committee *under the resolution*, as to the rights of Mr. Lilley as a Member of

Congress, or as a citizen, or both, to decline to produce his private correspondence and take his chances, if the matter is ever brought up, on being able to show that the correspondence was not in the language of an act criticising, which is the same as prosecution of the power of Congress in a matter pertinent to that inquiry. I stand on the fourth amendment of the Constitution of the United States.

Mr. STEVENS. We have not the right to impeach him, we have no question about that.

Mr. BROWN. The House of Representatives, as I understand, has the constitutional right, the exercise of which functions are controlled by the courts of justice. I understand a resolution was introduced in the House to discipline or expel any Member for violation of his duties as a Member of the House——

Mr. OLMSTED. We are not sitting here trying anybody for contempt, nor under proceedings for expulsion or anything of that kind. We are trying to find out about this Electric Boat Company's conduct, to find out all we can about that, and the motive underlying the introduction of this resolution. Now, leave out the question of contempt, which is not before us exactly, and any question of expulsion, which is not before us, and come down to the getting of testimony directly on this matter that is before us under this resolution. Now, if we have not a right to ask Mr. Lilley, who has testified he dictated certain matters to his secretary in connection with this matter, if we have not a right to call on him for the matter relating to this transaction, how on earth can we compel anyone else to furnish us with it?

Mr. BROWN. I do not question that if Mr. Lilley has anything in the way of documents in his possession or his knowledge that pertains to the subject-matter of this inquiry, which is corrupt methods on the part of the Electric Boat Company and corrupting Members of Congress, you have a perfect right to compel its production.

Mr. OLMSTED. He first testified as to what time he remembered that he got into communication with any officer of the Lake Boat Company. Subsequently there comes before us a communication addressed by him to the Secretary of the Navy, in which he says, "My constituent, J. C. Lake," who happens to be the vice-president of the company, "writes me as follows." Now, have we not a right to call for the production of that letter?

Mr. BROWN. That letter has been produced.

Mr. OLMSTED. It has not been produced.

Mr. BROWN. I do not remember that J. C. Lake letter. Of course the Lake Company stands before you a little different from the Electric Boat Company, because it is not included within the scope of this inquiry except as it is evidence of what bearing it would have upon the Electric Boat Company and Members of Congress.

The CHAIRMAN. If its witnesses sustain Mr. Lilley's charges of excessive cost.

Mr. BROWN. I do not want to say anything on the question of cost. The other side will probably talk about that. That is not within the scope of the inquiry. As a matter of inquiry, unless it has some bearing on the question of corruption, it is not before you, I presume they will say. I do not want to mix into their affairs.

I do not know, gentlemen, that there is anything else I have in mind to say why these books should not be produced. Of course

I would like to say that all men like to protect their private correspondence as far as they can, whether it is proper correspondence or improper correspondence, and I feel perfectly justified in putting up as staunch a fight as I can to protect Mr. Lilley's correspondence from being subjected to the perusal of anybody unless the interests of justice require it, and I think he has a full right, without any reflection upon its members, through his counsel to call the attention of the committee to the position that he is not under the law required to produce it.

The CHAIRMAN. Just one final question. You have in your argument on these facts as to the bearing on it spoken very frankly about the contents of certain letters of Mr. Lilley's as not containing matter which was pertinent to this inquiry. Would you mind stating with the same frankness how many letters there are similar to this?

Mr. BROWN. I would rather not turn witness now. Do not take as evidence what I have said about my judgment. I am simply showing the reasons why I think I can stand on my position.

The CHAIRMAN. I want to know whether these same reasons would apply with equal force to certain letters.

Mr. OLMSTED. In other words, having volunteered to testify to a certain extent, you prefer not to be cross-examined.

Mr. BROWN. To save my face I would say anything I have stated about the contents of these letters was not intended to be evidence, and I simply mentioned it for the purpose of justifying my position, because I thought I could justify it, if their production was to be compelled.

Of course I know, to be frank, that Mr. Lilley has been dissatisfied with the examination. The committee have made it very evident that they are not altogether satisfied with Mr. Lilley or his conduct, and it is not unnatural that Mr. Lilley may have expressed himself. I will not ask you, because that would be an affront, whether you have expressed yourselves of Mr. Lilley in unflattering terms. I am answering as best I can, always with the saving clause, that I am speaking unprepared upon these questions. If there is any further question of the committee I shall be happy to answer it.

The CHAIRMAN. We can not let go unchallenged even the slight remark of counsel with reference to the attitude of this committee. The attitude of this committee toward Mr. Lilley is of the utmost magnanimity and the desire to give him every opportunity to make good his charges.

Mr. BROWN. I suggested it would not be impossible that the committee would be dissatisfied with his conduct.

Mr. OLMSTED. The committee has not expressed itself in any way.

Mr. BROWN. I say it would not be unnatural if the committee was dissatisfied with his conduct, and for reasons that it is not necessary to go into I should be surprised if they had not expressed dissatisfaction. I do not know whether they have or not, but for me to stand up here and say Mr. Lilley was perfectly satisfied with this investigation and had not ever expressed dissatisfaction, it is useless and untrue. That has nothing particularly to do with this—it is merely thrown out as showing that I was not going to say as a matter of fact that Mr. Lilley had not expressed dissatisfaction with this committee or its conduct. What I say is not evidence. I am giving you *my opinion of* the legal bearing of such papers *I may be absolutely* wrong about it.

York case, which undoubtedly will be read to you, and I think in line with the case in 14 Gray and the recent case in Kansas, that a branch of a State legislature, or either branch of Congress, may get by compulsory process information to enable it to discharge intelligently its constitutional duties to legislate upon a particular matter; that it has not got to be confined to expulsion of the Member. The broad question is, Is this the information which the House ought to have to discharge properly its duties?

Mr. OLMSTED. You do not quite understand my question. This is not a question of the expulsion of a Member. Was not the process of this resolution a species of legislation?

Mr. BROWN. Generally speaking, it is under the legislative power that is placed in one of the Houses. It is a sort of legislation.

Mr. OLMSTED. As the resolution itself calls upon us to investigate the conduct of Members touching legislation, isn't it competent for us to ascertain the conduct of any Members which led to the introduction of this resolution?

Mr. BROWN. I shall simply have to reply that it may be in the power of the House, but it has not been delegated to the committee. The committee is tied up with the resolution.

Mr. OLMSTED. But the adoption of the resolution was legislation. We are authorized and instructed to inquire concerning the conduct of Members touching legislation, not any particular legislation, but legislation. Suppose we find, as we have found, letters from Mr. Lilley to the Department soliciting business for the Lake Boat Company. Then suppose he testifies that he would not have introduced this resolution except that the Naval Committee did not act as he wanted them to, and he naturally wanted the House to change the action of the Naval Committee. Now, isn't it competent for us to get not only these letters from the Secretary of the Navy, but any other correspondence referred to in those letters between Mr. Lilley and the officers of the Lake Boat Company, or anybody else, bearing upon this subject? If we can not call upon Mr. Lilley himself for such documentary evidence, how on earth can we justify ourselves in calling upon anybody else?

Mr. BROWN. I did not say this for you to accept as a fact, but as one of the grounds of my position, that after my examination I know of no letter of that kind.

Mr. OLMSTED. Was the correspondence between Mr. Lilley and the Lake Torpedo Boat Company or between Mr. Lilley and the Secretary of the Navy submitted to you at all?

Mr. BROWN. I made this request, that any letters, any copies of letters that related to this investigation, to submarine legislation, or submarines, should be read to me. Now, I do not know whether all letters have been read to me or not. I assume they have. It would be very poor policy to deceive counsel. Of course what you are asking for, if you will remember, is what is called in court secondary evidence. I do not understand any effort has been made to get the original letters at all. As far as I know, all those original letters are in existence.

Mr. HOWARD. Secondary evidence is so abundant here that it constitutes a staple of all we have got.

Mr. BROWN. I understand that it is Mr. Howard's judgment *that the committee*, after this long hearing, has got a prescriptive *right to that kind* of evidence.

Mr. STEVENS. Isn't there anything in those letters that interprets or construes in any way the charge that he makes with reference to the special and exclusive contracts, or the demand for open competition, or the fact that the committee had not pursued its examination in a way to develop that line as he expected?

Mr. BROWN. There is nothing in these letters, according to my memory, that in any way contradicts or embraces the position on the main question that he has taken before the committee.

The last part of the question bears upon the very matter I have been talking about.

Mr. STEVENS. Haven't we the right to know everything that can be known fairly concerning the two branches of the subject that is before us for investigation? He has charged certain things; we are directed to investigate things in that line. Now, he has written or said concerning those things to outside people. Haven't we a right to know his attitude and his views in relation to those two propositions?

Mr. BROWN. His attitude toward the way the investigation has been conducted?

Mr. STEVENS. Yes; and the facts he states to outside people concerning those things.

Mr. BROWN. You couple two things. I would rather take them separately. As to whether he has criticised——

Mr. STEVENS. It is not a matter of criticism; it is a matter of stating a fact.

Mr. BROWN. As to the matter of stating a fact, connected particularly with the investigation, I should say no. There is no other thing he has stated bearing upon it that at all changes what he has stated——

Mr. STEVENS. Might not the method of conducting the investigation be entirely pertinent as to the way of developing whether or not there is corrupt action by Members?

Mr. BROWN. It might be. It might be involved in the resolution. As to whether the facts are disclosed or not——

Mr. STEVENS. Then, if that is true, why haven't we a right to know what he has said or done in that connection?

Mr. BROWN. How does it bear upon the question of corruption as to the Electric Boat Company or the corruption of Members of Congress, or whether the facts exist? I can not see that it does. Of course this matter of searching for papers, or compelling the production of papers, it is one of those invasions of a man's privacy and possession that he opposes about as strongly as he can anything. You will all agree that on sending an officer with a search warrant to a man's house to take his private papers, he is put on the defense at once, and compelling him to produce them is violating the fourth amendment exactly the same as sending the man——

Mr. OLMSTED. I would like to ask whether you consider the adoption of this resolution by the House of Representatives was in any sense legislative?

Mr. BROWN. Of course a good many times in my life I have been called to prove assertions I make in behalf of my client, and sometimes I have had a good deal of difficulty to do it, but I have never been called upon to prove an admission. I admit that you have that power. Now, I am frank to say that I gather from the Chapman case, not contradicted by the Kilbourn case, and I think the New

York case, which undoubtedly will be read to you, and I think in line with the case in 14 Gray and the recent case in Kansas, that a branch of a State legislature, or either branch of Congress, may get by compulsory process information to enable it to discharge intelligently its constitutional duties to legislate upon a particular matter; that it has not got to be confined to expulsion of the Member. The broad question is, Is this the information which the House ought to have to discharge properly its duties?

Mr. OLMSTED. You do not quite understand my question. This is not a question of the expulsion of a Member. Was not the process of this resolution a species of legislation?

Mr. BROWN. Generally speaking, it is under the legislative power that is placed in one of the Houses. It is a sort of legislation.

Mr. OLMSTED. As the resolution itself calls upon us to investigate the conduct of Members touching legislation, isn't it competent for us to ascertain the conduct of any Members which led to the introduction of this resolution?

Mr. BROWN. I shall simply have to reply that it may be in the power of the House, but it has not been delegated to the committee. The committee is tied up with the resolution.

Mr. OLMSTED. But the adoption of the resolution was legislation. We are authorized and instructed to inquire concerning the conduct of Members touching legislation, not any particular legislation, but legislation. Suppose we find, as we have found, letters from Mr. Lilley to the Department soliciting business for the Lake Boat Company. Then suppose he testifies that he would not have introduced this resolution except that the Naval Committee did not act as he wanted them to, and he naturally wanted the House to change the action of the Naval Committee. Now, isn't it competent for us to get not only these letters from the Secretary of the Navy, but any other correspondence referred to in those letters between Mr. Lilley and the officers of the Lake Boat Company, or anybody else, bearing upon this subject? If we can not call upon Mr. Lilley himself for such documentary evidence, how on earth can we justify ourselves in calling upon anybody else?

Mr. BROWN. I did not say this for you to accept as a fact, but as one of the grounds of my position, that after my examination I know of no letter of that kind.

Mr. OLMSTED. Was the correspondence between Mr. Lilley and the Lake Torpedo Boat Company or between Mr. Lilley and the Secretary of the Navy submitted to you at all?

Mr. BROWN. I made this request, that any letters, any copies of letters that related to this investigation, to submarine legislation, or submarines, should be read to me. Now, I do not know whether all letters have been read to me or not. I assume they have. It would be very poor policy to deceive counsel. Of course what you are asking for, if you will remember, is what is called in court secondary evidence. I do not understand any effort has been made to get the original letters at all. As far as I know, all those original letters are in existence.

Mr. HOWARD. Secondary evidence is so abundant here that it constitutes a staple of all we have got.

Mr. BROWN. I understand that it is Mr. Howard's judgment *that the committee*, after this long hearing, has got a prescriptive *right to that kind* of evidence.

The CHAIRMAN. I will ask you one question, so that the record may be clear. You, as Mr. Lilley's counsel, have advised him not to comply with the request of the committee?

Mr. BROWN. As a request, I have advised him not to comply with it.

The CHAIRMAN. And you base your advice to him on your argument as given this morning?

Mr. BROWN. As a response to the subpœna, for reasons I do not care to state to the committee at this time, but as a request, getting it just as it is made, I have stated in my judgment he is not obliged to do it. If it was my own case, I say to you frankly, gentlemen, if I was in Mr. Lilley's place I should not produce the papers.

Mr. OLMSTED. Was any letter submitted to you from J. C. Lake to Mr. Lilley?

Mr. BROWN. I am absolutely unable to tell you.

Mr. OLMSTED. We have positive evidence that there was such a letter.

Mr. BROWN. I am absolutely unable to say.

The CHAIRMAN. That we did not include in the list, because that is a letter he promised to produce.

Mr. BROWN. The original letters and others were read to me at one time; what copies that were in the possession of Mr. Lilley were read to me at one time; I can not tell to you the names of the parties. I would simply take in the general purport of the letter, and followed it along, and all I have is my impression of the purport of those letters. All I wanted to know was whether we could stand on the ground that they did not in my judgment pertain to this inquiry, and they have gone out of my head very largely except the purport, and I won't say that there is not a letter from Mr. Lake there.

I want to thank you, gentlemen, for the very patient attention you have given to this disconnected talk. I want to say this: I recognize the fact that this committee was appointed to investigate; that I can not come to you and say, "Mr. Chairman and gentlemen, I demand as a right that I have an opportunity to address this committee on any matter connected with this investigation." The most I can say to you is, gentlemen, I think in the exercise of discretion you ought to give me an opportunity, and for allowing me to do it in this case where my client is a witness I want to thank you; and I also thank you for the patient attention you have given to my illogical and rambling remarks, because I have discussed it without any preparation and without any attempt to follow things in logical sequence.

The CHAIRMAN. We are glad to have heard you, and will be glad to hear any further suggestions.

Mr. BROWN. I think in this way I have covered the matters in my mind as opposing the right to compel the production of papers.

The CHAIRMAN. I would like to ask Mr. Lake if he has complied with any of the subpœnas duces tecum. I have reference particularly to the stock books. The stock books of the Electric Boat Company have been in the possession of the committee here several weeks.

Mr. LAKE. I believe our counsel, Senator Thurston, has agreed, as far as the stock books are concerned, to submit them to the committee in executive session.

The CHAIRMAN. If you will have them delivered to the clerk we will be glad to have them. Now, as to the other books and document called for in the subpœna duces tecum, particularly the ampli-

fication of the subpœna made at the session last Saturday, you have heard of that?

Mr. LAKE. No; I have not been here.

The CHAIRMAN. I telephoned Senator Thruston, on behalf of the committee, to be here at 2 o'clock last Saturday, and he asked what we desired his attendance for, and I told him it was to make a formal demand in reference to the subpœna duces tecum, and to add to the subpœna duces tecum addressed to you. He said it would not be necessary to issue another subpœna, but simply discribe what we wanted, and it is stated in the record in full. It relates to the books showing the prices for which all the Lake boats were sold to foreign governments, and books showing the division of gross receipts into commissions, expenditures, profits, and the contracts of the Lake Torpedo Boat Company, and all the subsidiary companies with Charles R. Flint and Hart O. Berg.

Mr. LAKE. I prefer our counsel to answer in respect to that.

The CHAIRMAN. The committee will now take a recess until 2.30 p. m.

The committee met at 2.30 p. m., pursuant to adjournment.

All members of the committee were present.

The CHAIRMAN. The committee is ready to hear from you, Mr. Littleton.

Mr. LITTLETON. Mr. Chairman and gentlemen of the committee, paraphrasing the remarks of a distinguished lawyer on a great occasion, when a modern mariner has been engaged for days in a tortuous submarine voyage and for the first time comes up to the surface, with his nostrils full of brine and the flecks of foam about his head, it is natural to him to look back to the point of his starting and see what course he has been traveling.

With that in mind, I desire to read the original resolution under which this investigation began:

Whereas Mr. George L. Lilley, a Representative from the State of Connecticut, on his responsibility as a Member of this House, before the Committee on Rules, has, among other things, stated in substance that the Electric Boat Company, of New Jersey, and their predecessors, the Holland Boat Company, have been engaged in efforts to exert corrupting influence on certain Members of Congress in their legislative capacities, and have in fact exerted such corrupting influence: Therefore be it

Resolved, That a committee of five Members be appointed to investigate the charges made by said George L. Lilley of corrupt practices on the part of said company and of Members of Congress with respect to legislation, and that said committee shall have authority to send for persons and papers and to take testimony in Washington, District of Columbia, or elsewhere, either before the full committee or any subcommittee thereof. Said committee shall report as speedily as possible with such recommendation, if any, as to the committee shall seem meet.

I do not know whether it has occurred to the committee throughout the investigation or not—it did not occur to me until in the latter part of these weeks—but I believe this is the first occasion in which Congress has attempted to empower a committee to investigate the affairs of a private corporation. I believe it is the first occasion in the history of investigation in which it has been attempted to be claimed that the examination of a private corporation could be made a basis of punishment for contempt. Not that the question is before this committee of contempt at all, but as testing out the question of precedent as affecting the question of investigating a private corporation. If, for instance, we were guilty of contempt before this *or any other committee*, the sole remedy of Congress would be that

kind of punishment which the precedents and history of Congressional investigations show they have hitherto administered—that is, they could reprimand the individual who refuses to obey their mandates; they could imprison him, under some of the precedents, for a failure to obey that mandate. Viewed in that light, it presents a singular question in its final and ultimate devolution, as to what could be done with a private corporation by way of reprimand or imprisonment, in any form, so as to make the power of compulsion of any force or effect in an investigation conducted by a committee of Congress. So that at the outset, while I do not lay any great stress upon this question here, the ultimate policy of Congress with reference to a private corporation against whom investigation is conducted or against whose affairs a committee of investigation is authorized would present a new and singular question if it were ever to reach the point where Congress would attempt to deal with a corporation disobeying the order of this committee. Of course it goes without saying that a corporation could not be haled before the House; it could not be imprisoned or reprimanded; no power to fine, so far as I have been able to find, has ever been exercised or attempted; so that you would present the first instance in this particular case of a private corporation declining to obey a subpœna duces tecum to produce books and papers, and being reported to the House of Representatives for such proceedings as they see fit, and the House of Representatives remitted to one of the two courses, of reprimand or confinement in prison—that is, leaving out of account the prosecution by the civil authorities of the District of Columbia.

Of course another question is presented, but that is rather anticipating the issue. A corporation can scarcely be guilty of contempt in such a matter. It may be guilty in some cases of statutory crime, but to harbor a contempt, to entertain malice, to have a design for the purpose of affecting or obstructing legislation, to do any of the things which would call for the exercise of the highest power of the lower House of Congress, would be scarcely within the capacity of a private corporation, so that it could be guilty of anything with which Congress could deal, and it is the only thing named in this resolution. Its officers have been upon the stand. Certainly they could not be held accountable because this corporation should not bring its books and papers. So that is the point of departure of this particular investigation—for I have gone back as far as 1800 to find if there has ever been an instance of a private corporation investigated by a committee of Congress or charged with any offense against Congress or of an attempt to corrupt Members of Congress, or to do anything which would entitle Congress to visit any penalty upon them and find no suggestion that this is not a departure from the ordinary practice.

But in addition, this resolution does not empower this committee to do anything to us, or to have any dealing with us, except in so far as our conduct has affected or touched the lower House of Congress. In other words, I do not care how unwise the conduct of the Electric Boat Company has been, how much of a stench it may have been in the nostrils of the gentleman from Connecticut, how disagreeable it may be in its environment, how reprehensible it may stand out among other corporations in New Jersey, I do not care how sharply it may be criticised or how improper its conduct may be, unless that conduct,

corrupt, reprehensible, indefensible, has reached the point of affecting or attempting to affect some Member of Congress, neither Congress nor this committee, in the exclusive tenor of legislative authority to which it is devoted and committed by the Constitution, has anything to do with that reprehensible or corrupt conduct. So that in the analysis of this resolution we are to say that the Electric Boat Company is involved in this investigation, not because on its face the resolution was an attempt to investigate the boat company, not because in the preamble to the resolution there is a charge that we have been guilty of exerting improper influences or in fact did exert improper influences, not because in the Committee on Rules Representative Lilley has charged us and said we had committed more corruption than any other corporation on earth—none of these things bring us within the range of your authority or within the purview of your official criticism, nor bring us within the reach of your jurisdiction, unless at some point of the corrupt and reprehensible conduct it has touched and contaminated or rendered impure or attempted to render impure the fountain of legislation, of which you are now the protecting arm in conducting this investigation.

Standing, then, with that limitation naturally fixed upon your powers to investigate this corporation, there is one other that ought to be stated so that we may get the definition of this question down to its natural, proper basis. You are not particularly, nor is Congress to-day empowered, as I understand, or authorized, to conduct an investigation of anything else except the reprehensible conduct upon our part, or upon the part of our company, which has touched at some point and contaminated, or attempted to contaminate at some point, this particular Congress. You would not be held to take over as a heritage the corruption of ancient Congresses, if there be such. You can not set up a standard for succeeding Congresses. This Congress lives its biennial existence and passes away. Its membership begins at its beginning and ends at its ending so far as its official, concerted action is concerned. In old times it was once held you might punish a witness beyond the day when your term adjourned; although there was a case of that sort, it was overruled, and is not held to be authority any longer. Witness the fact that your official life, this particular Congress's official life, began with the opening of your Congress and ends officially with the adjournment of your Congress at the end of this particular session. You can not, for instance, undertake to say whether some Member not now in Congress was guilty of corruption brought about by the Electric Boat Company. If there be a Member of Congress now who was a Member of Congress before this particular Congress came in, this committee as an arm of the House can not set itself up to try the misconduct of that particular Member of the ancient, anterior Congress, because, as I understand the authorities to which I will call the attention of the committee a little later, it has been uniformly held that Congress can deal only with the corruption, misconduct, or contempts of or against its Members as it then exists.

If I am right in that proposition, then we have that limitation fixed upon this resolution. This committee is intent upon ascertaining, so far as our side of it is concerned, whether the corporation, known as the Electric Boat Company, has been guilty of corrupting or attempting to corrupt Members of this Congress. And upon this point it is

entitled to go, regardless of the strict limitations of court trials, into the fullest investigation and the widest research for any fact or circumstance which will tend to establish, not with the convincing force of legal principles, nor with the sufficiency which a court of justice in the ordinary administration of the law would require, but sufficient to convince the body to which you shall report, so that it may be able to say, "Has any Member of this body done anything that requires us to exercise our authority either of reprimand or expulsion; or is the Electric Boat Company a fit subject for any such punishment? Has it been guilty of conduct in such manner and under such circumstances and with such emphasis and in such contaminating fashion as to deserve it? Has it been guilty of a contempt of our great body so as to require us to administer such punishment as we may for that end?" I submit that these particular limitations ought to be considered at the outset of this particular resolution.

I want to call your attention to another document which I think belongs in the argument at this particular point. Mr. Rice, the president of the Electric Boat Company, was served with a subpœna duces tecum in which he is commanded to produce before this committee and bring with him all books of accounts, showing payments made to attorneys and employees for work performed or to be performed at Washington or in any Congressional district of the United States; also all vouchers covering expenses of that character; also all checks, check books, check stubs, showing all such checks issued for such employment; also all vouchers and memoranda showing payments to Elihu B. Frost for expenses of every kind and character at Washington or elsewhere in promoting the legislative enactment of appropriations and for the procurement of contracts; all books, records, vouchers, checks, or check stubs, drafts, or other evidences of any money contributed by Isaac L. Rice personally to the campaign fund of any political party in the United States; also certified list of all stockholders of the Electric Boat Company at the present time; also certified list of all stockholders of the Holland Torpedo Boat Company, as well as those who have ever at any time owned or held stock of either of these companies.

Now, Mr. Chairman, I desire at this point to place this objection in connection with this subpœna, which I think I will not be considered hypercritical in making before the committee. And that is that the first paragraph of the subpœna calls upon us to produce all books of account showing payments made to attorneys for work performed, or to be performed, at Washington or in any Congressional district of the United States. I challenge the right of the committee, I challenge the validity of the subpœna that makes such a sweeping and wholesale demand upon this company—for every contract with every counsel that it has in the United States—and that is what it means. I challenge it upon the record, as I understand to be the basis for this particular argument. I challenge it upon the showing made by the prosecutor, notwithstanding the declaration of Mr. Lilley that he is not the prosecutor. I challenge it upon any and all the statements that are in this record; that the power of the committee and the validity of the subpœna can not be sustained as calling upon us with the wide and sweeping claim that we produce all of our books, all of our papers, showing all of our contracts, regardless of whether they were professional or unprofessional, regardless

of whether they show proof of guilt or innocence, regardless of whether they bear upon this investigation or not in any of the Congressional districts in the United States. I give my learned friend, Senator Thurston, credit for this. He was not modest when he drew this subpœna for Representative Lilley; and while he might not have been possessed of the ability to provide all the requisites of the subpœna duces tecum, he manifested those characteristics which have been more or less manifest in Mr. Lilley and our friends in the prosecution. I challenge also the requirement for the production of all checks, check books, check stubs, showing all such checks issued for such employment.

The next is a separate and distinct one, and I desire to challenge it: "Also all vouchers and memoranda showing payments to Elihu B. Frost for expenses of every kind and character at Washington or elsewhere." That means anywhere in all the earth that Frost, in his ramifications, either by cable or in person, may have reached in promoting the interest of legislative enactment of appropriations and for the procurement of contracts. It is in evidence here upon this record that we have procured contracts from Holland, some with Russia, some with Japan, and we are identified with the Vickers-Maxim Company, who produce the submarine boats in England; this subpœna calls upon us to show what Frost's expenses have been anywhere, of every kind and character, in the procurement of these contracts and the promotion of any kind of legislation, at home or abroad, innocent or corrupt, fraudulent or fair. Now, as against that demand you have the declaration by Mr. Frost, after a searching examination, that no money was expended by him at any time, either directly or indirectly, improperly or otherwise, to secure a legislative enactment or to bring it about or to bear upon or produce or superinduce it; we have all that here in evidence. I challenge the scope and width and breadth of that particular demand, and I shall challenge it under authority to which I shall call the attention of the committee hereafter: "All books, records, vouchers, checks, or check stubs, contributed by Isaac L. Rice personally to the campaign fund of any political party in the United States."

It is not charged in the charges made, nor is it claimed in the evidence produced, nor is it one of the usual things that float around in the vagueness and illogical region of rumor, that Mr. Rice did not have the right to contribute to a political party in this country at any time. It is not one of the charges here that his contribution to a political party either would, could, or had effect, in the slightest degree, on any Member of Congress of this particular Congress. The demand is idle, and it only evinces the enthusiasm and dash of my distinguished friend, Senator Thurston, rather than his regard for the legal limitations of one of these subpœnas. The next demand is for our stock books. Those we have turned over to the committee and they have them now in their possession. I want to challenge that, and I desire to submit to the committee the authorities which I think practically dispose of the question of invalidity, not the technical invalidity but the substantial invalidity, of a subpœna which is so sweeping.

In the case of Hale *v.* Henkel, in the 201 U. S. Rep., 43, the question arose upon the refusal of Hale—and my associate, Mr. Lindsay, tried and *prepared and* presented the case to the Supreme Court of the

United States—who had been summoned before a Federal grand jury in New York State under a subpœna duces tecum to produce various papers named, including "all understandings, agreements, arrangements or contracts, correspondence, memoranda, reports or accounts between certain firms." The object of the inquiry was to ascertain if there had been a violation of the antitrust law. Hale appeared before the grand jury, certainly a body at least more diversified and powerful than any committee, and being sworn declined to answer the questions or produce the papers called for—among other grounds, because he was advised by his counsel that he was under no legal obligations to produce anything called for by the subpœna. He was reported to the court and adjudged to be in contempt. He took out a writ of habeas corpus and the question finally reached the Supreme Court of the United States. Among other things, his counsel invoked the protection of the fourth and fifth amendments to the Constitution of the United States, and on the question of the application of the fifth amendment, the court held that it did not protect him.

It also held that the witness could not refuse to answer because his answer might incriminate the corporation of which he was an officer; that he might stand upon his constitutional rights as a citizen, but that he could not shelter the corporation by his refusing to answer. The opinion proceeded further and discussed the right of Hale, the respondent or relator, to protest against examination under the fourth amendment, and that ought to be enlightening here. The court held:

> Although, for the reasons above stated, we are of the opinion that an officer of a corporation, which is charged with a violation of a statute of the State of its creation, or of an act of Congress passed in exercise of its constitutional powers, can not refuse to produce the books and papers of such corporation, we do not wish to be understood as holding that a corporation is not entitled to immunity, under the fourth amendment, against unreasonable searches and seizures. A corporation is, after all, but an association of individuals under an assumed name, and with a distinct legal entity. In organizing itself as a collective body it waives no constitutional immunities appropriate to such body. Its property can not be taken without compensation.
>
> We are also of the opinion that an order for the production of books and papers may constitute an unreasonable search and seizure within the fourth amendment. While a search ordinarily implies a quest by an officer of the law, and a seizure contemplates a forcible dispossession of the owner, still, as was held in the Boyd case, the substance of the offense is the compulsory production of private papers, whether under a search warrant of a subpœna duces tecum, against which the person, be he individual or corporation, is entitled to protection. Applying the test of reasonableness to the present case, we think the subpœna duces tecum is far too sweeping in its terms to be regarded as reasonable. It does not require the production of a single contract or of contracts with a particular corporation, or a limited number of documents, but all understandings, contracts, or correspondence between the MacAndrews & Forbes Co., and no less than six companies, as well as all reports made and accounts rendered by such companies, from the date of the organization of the MacAndrews & Forbes Co., as well as all letters received by that company since its organization from more than a dozen different companies, situated in seven different States of the Union. Doubtless many, if not all, of these documents may be ultimately required, but some necessity should be shown, either from an examination of the witness orally, or from the known transactions of the companies with the other companies implicated, or some evidence of their materiality produced, to justify an order for the production of such a mass of papers. A general subpœna of this description is equally indefensible as a search warrant would be if couched in similar terms. (201 U. S., 75-77.)

I desire, in conclusion upon that branch of the case, to submit to the committee this suggestion: This record, created under the investigation conducted by a committee of limited power, is the basis for the demand of these books. The grand jury's investigation of the

MacAndrews-Forbes Company with plenary powers substantially in the investigation of crime was the basis of the demand under the subpœna duces tecum in that particular case. Even as they were fortified with the abundant authority of the Federal grand jury, which men are timid to dispute and which courts are more or less timid to attack or to challenge—I say notwithstanding the subpœna in that case was vastly more specific and direct and more to the point than the subpœna in this case—I say in view of the dissimilarity, distinctly and overwhelmingly in our favor—the Supreme Court of the United States said the subpœna was far too sweeping and broad, and constituted a search warrant upon the property of the MacAndrews-Forbes Company, and that it ought not to have been sustained under any view of the protection afforded by the fourth amendment. In connection with that I wish to say that the record as it stands here, if I recollect it, and if I read it correctly, furnishes not even the slightest suggestion that any books or papers called for in this subpœna would shed the remotest ray of light upon the inquiry which has been so diligently conducted by this committee.

There is not in this record, nor has there come from the lips of a single witness, a suggestion, whether that witness be adverse or in some way filled with a desire to injure us, or has overcome a desire to sustain us, or whether he be an officer of the company attacking us itself, there has not been a single witness who testified who gave this committee the slightest indication or information that anything in these books would shed the slightest light upon the question involved in this case. If the Federal grand jury of New York, that has abundant authority for the investigation of crime, was not warranted in demanding the books and papers in the MacAndrews-Forbes Company because no basis had been laid, no evidence had been given to show the materiality of these things, how is this committee, acting as the representative of Congress, entitled, under this record which is barren of any suggestion of that sort, to ask of us that we come and lay our books upon the table? Not only, Mr. Chairman and gentlemen, has there been no evidence to suggest this; not only do the charges, at the outset of this matter before the Committee on Rules, boldly proclaim that an examination of our books and papers will reveal gross corruption running loose and rioting in the House of Representatives; not only was the imputation cast upon us, but as a private corporation, soulless and bodiless, we are bound to endure the implication cast upon Congress in a vague, insidious, far-reaching manner; in the face of all these charges, in the weeks of this investigation, there has not been one witness, not one, who testified, who gave the slightest suggestion, that this boat company, which had been such an offensive stench in the nostrils of gentlemen from certain quarters, that this boat company had ever attempted, directly or indirectly, even to visit a Member of Congress, much less to contaminate or corrupt him.

You went further than that. You did not say, as you might have said at the outset, as I believe as a lawyer you had a right to say, "I demand that you shall give some evidence upon those charges before we go out and search for books and papers." You did not do that. You gave it the broadest and widest and most commendable latitude—as naturally under the circumstances you would do—and the *man* who made these charges also came, you examined

him at length, you called the witnesses he asked to be called, you called our officers from their offices; they came, subordinate and chief, our employees, our lawyers—every man came and sat here at this table—question after question, originating in the minds of the committee, devised by their ingenuity, dictated by their judgment, questions originating in the activity and energy of the gentleman from Connecticut, questions originally having been in the storage house of the other company, which came in frozen up in type, and looking perfectly respectable, fell upon this table to be propounded to our officers. You not only asked them those questions, of each and all our officers, but before they went away the committee accepted secondary evidence from our officers upon questions dictated by the other side. They asked if there was anything in their books and papers anywhere, any book or paper that would show that this company had done anything to intimidate or corrupt members of Congress, and the answer came from every person upon this stand, "No!" You asked Mr. Rice, "Did you contribute to the campaign fund? No. Did you ever attempt to give any member of Congress anything, directly or indirectly? No. Did your company do it? No. Mr. Barnett, did you? No. Frost, did you? No. Spear—Johnson—any man in the company? No." The proof stands upon this record here irrefutably that the very thing which Senator Thurston dictated into the mouth of Representative Lilley, and went from there embodied in this subpœna, the very thing for which they called, and the very witnesses which they have asked you to call, have testified to everything that is demanded by the subpœna itself.

Now, then, how much stronger is this than the case of Hale *v.* Henkel? As far as the record in that case is concerned, the contracts might show a violation of the antitrust law, but you can not go wildly searching around; even the grand jury can not do that. The property of an individual is a sacred thing. The property of a corporation, unpopular though it may be, denounced though it may be, is a sacred thing.

And on that head and in this connection I want to call the committee's attention to what may be called the fountain head of authority upon the question of books and papers. This case I refer to, on the production of books and papers, was decided by Lord Chief Justice Camden in the celebrated case of Entick *v.* Carrington (19 How. St. Tr., 1029). It is the source of American law upon the question of the right of companies or individuals to the privacy of their own papers unless that right has been supervened by some great public necessity, which, in the legislative judgment of the country, is allowed to override any interests of the person. An account of this case was first given by May in his work on the Constitutional History of England, and his account is as graphic as you would have it. He first describes the embarrassment in which Lord Halifax found himself upon the publication of No. 45 of the North Briton. I read from the brief prepared by Mr. Lindsay and Mr. Nicholl in the case of Hale *v.* Henkel. Said Mr. May:

> There was a libel; but who was libeller, ministers knew not, nor waited to inquire after the accustomed forms of law; but forthwith Lord Halifax, one of the secretaries of state, issued a warrant directing four messengers, taking with them a constable, *to search for* the authors, printers, and publishers, and to apprehend and seize them, *together with* their papers, and bring them in safe custody before him, no one having been charged or even suspected—no evidence of crime having been offered.

No one was named in this dread instrument. The offense only was pointed at, not the offender. The magistrate who should have sought proofs of crime deputed this office to his messengers. Armed with their roving commission they set forth in quest of unknown offenders; and, unable to take evidence, listened to rumors, idle tales, and curious guesses.

They held in their hands the liberty of every man whom they were pleased to suspect. Nor were they triflers in their work. In three days they arrested no less than 49 persons on suspicion—many as innocent as Lord Halifax himself. Among them was Dryden Leach, a printer, whom they took from his bed at night. They seized his papers, and even apprehended his journeymen and servants. He had printed one number of the "North Briton," and was then reprinting some other numbers; but as he happened not to have printed No. 45, he was released without being brought before Lord Halifax. They succeeded, however, in arresting Kearsley, the publisher, and Balfe, the printer of the obnoxious number, with all their workmen. From them it was discovered that Wilkes was the culprit of whom they were in search; but the evidence was not on oath, and the messengers received verbal directions to apprehend Wilkes under the general warrant. Wilkes, far keener than the crown lawyers, not seeing his own name there, declared it "a ridiculous warrant against the whole English nation," and refused to obey it. But after being in custody of the messengers for some hours in his own house, he was taken away in a chair, to appear before the secretary of state.

No sooner had he been removed than the messengers, returning to his house, proceeded to ransack his drawers and carried off all his private papers, including even his will and pocketbook. When brought into the presence of Lord Halifax and Lord Egremont, questions were put to Wilkes which he refused to answer; whereupon he was committed close prisoner to the Tower, denied the use of pen and paper, and interdicted from receiving the visits of his friends, or even of his professional advisers.

The distinction between the methods employed against the appellant and those adopted against the victims of Lord Halifax's wrath is, however, that there there was a libel, whereas here there is not even a charge of crime, or anything more than speculation that perhaps some crime may be discovered. In all other particulars the cases are identical from a legal standpoint so far as the personal restraint of individuals is concerned—arrest and imprisonment under a warrant, and the restraint and invasion of the right of privacy imposed by a subpœna being equally a deprivation of liberty. The only other difference is that Lord Halifax's messengers actually searched for and seized papers, whereas here the courts order merely gave the petitioner the choice of producing them forthwith or submitting to imprisonment until he did.

Wilkes questioned the legality of these general warrants and carried the matter to the courts, with the result that in 1765 Lord Camden's famous decision was rendered declaring the warrants illegal and void. Of this decision Mr. Justice Bradley said in the Boyd case (116 U. S., 616, 626–627):

As every American statesman during our Revolutionary and formative period as a nation was undoubtedly familiar with this monument of English freedom and considered it as the true and ultimate expression of constitutional law, it may be confidently asserted that its propositions were in the minds of those who framed the fourth amendment to the Constitution, and were considered as sufficiently explanatory of what was meant by unreasonable searches and seizure.

The broad principle laid down in Lord Camden's opinion was that what is not to be found in the books is not law and, therefore, that every invasion of private property is a trespass and must be justified or excused by some positive law.

After describing the power claimed by the Secretary of State for issuing general warrants and the manner in which they were executed, Lord Camden said:

"Such is the powe and, therefore, one should naturally expect that the law to warrant it should be lear in proportion, as the power is exorbitant. If it is law, it will be found in our books; if it is not to be found there, it is not law.

"The great end for which men entered into society was to secure their property. That right is preserved sacred and incommunicable in all instances where it has not *been taken away or a ridged* by some public law for the good of the whole. The

cases where this right of property is set aside by positive law are various. Distresses, executions, forfeitures, taxes, etc., are all of this description, wherein every man by common consent gives up that right for the sake of justice and the general good. By the laws of England every invasion of private property, be it ever so minute, is a trespass. No man can set his foot upon my ground without my license, but he is liable to an action though the damage be nothing, which is proved by every declaration in trespass where the defendant is called upon to answer for bruising the grass and even treading upon the soil. If he admits the fact, he is bound to show, by way of justification, that some positive law has empowered or excused him. The justification is submitted to the judges, who are to look into the books and see if such a justification can be maintained by the text of the statute law or by the principles of the common law. If no such excuse can be found or produced, the silence of the books is an authority against the defendant, and the plaintiff must have judgment. According to this reasoning, it is now incumbent upon the defendant to show the law by which this seizure is warranted. If that can not be done, it is a trespass.

"Papers are the owner's goods and chattels; they are his dearest property; and are so far from enduring a seizure that they will hardly bear an inspection; and though the eye can not by the laws of England be guilty of a trespass, yet where private papers are removed and carried away, the secret nature of those goods will be an aggravation of the trespass, and demand more considerable damage in that respect. Where is the written law that gives any magistrate such a power? I can safely answer there is none. and therefore it is too much for us, without such authority, to pronounce a practice legal which would be subversive of all the comforts of society.

"But though it can not be maintained by any direct law, yet it bears a resemblance, as was urged, to the known case of search and seizure for stolen goods. I answer that the difference is apparent. In the one I am permitted to seize my own goods, which are placed in the hands of a public officer till the felon's conviction shall entitle me to restitution. In the other, the party's own property is seized before and without conviction, and he has no power to reclaim his goods, even after his innocence is declared by acquittal.

"The case for searching for stolen goods crept into the law by imperceptible practice. It is the only case of the kind that is to be met with. No less a person than Lord Coke denied its legality (4 Inst., 176); and therefore if the two cases resembled each other more than they do, we have no right, without an act of Parliament, to adopt a new practice in the criminal law, which was never yet allowed from all antiquity. Observe, too, the caution with which the law proceeds in this singular case. There must be a full charge upon oath of a theft committed. The owner must swear that the goods are lodged in such a place. He must attend at the execution of the warrant, to show them to the officer, who must see that they answer the description.

"If it should be said that the same law which has with so much circumspection guarded the case of stolen goods from mischief, would likewise in this case protect the subject by adding proper checks; would require proofs beforehand; would call up the servant to stand by and overlook; would require him to take an exact inventory and deliver a copy; my answer is that all these precautions would have been long since established by law, if the power itself had been legal; and that the want of them is an undeniable argument against the legality of the thing."

After showing that these general warrants for search and seizure of papers had their origin in the court of star chamber, and never had any advocates in the common law courts except Chief Justice Scroggs and his associate, Lord Camden adds:

Lastly, it is urged as an argument of utility that such a search is a means of detecting offenders by discovering evidence. I wish some cases had been shown where the law forceth evidence out of the owner's custody by process. There is no process against papers in civil causes. It has been often tried, but never prevailed. Nay, where the adversary has by force or fraud got possession of your own proper evidence, there is no way to get it back by action. In the criminal law such a proceeding was never heard of; and yet there are some crimes, such, for instance, as murder, rape, robbery, and house breaking—to say nothing of forgery and perjury—that are more atrocious than libeling. But our law has provided no paper search in these cases to help forward the conviction. Whether this proceedeth from the gentleness of the law toward criminals, or from a consideration that such a power would be more pernicious to the innocent than useful to the public, I will not say, It is very certain that the law obligeth no man to accuse himself; because the necessary means of compelling self-accusation, falling upon the innocent as well as the guilty, would be both *cruel and unjust*; and it would seem that search for evidence is disallowed upon the *same principle*. There, too, the innocent would be confounded with the guilty.

Lord Camden concluded thus:

I have taken notice of everything that has been urged upon the present point; and upon the whole we are of the opinion that the warrant to seize and carry away the party's papers in the case of a seditious libel is illegal and void.

Said Justice Bradley, after quoting the foregoing extracts from Lord Camden's opinion (116 U. S., 616, 630):

The principles laid down in this opinion affect the very essence of constitutional liberty and security. They reach further than the concrete form of the case then before the court, with its adventitious circumstances; they apply to all invasions upon the part of the Government and its employees of the sanctity of a man's home and the privacies of life. It is not the breaking of his doors and the rummaging of his drawers that constitute the essence of the offense; it is the invasion of his indefeasible right of personal security, personal liberty, and private property, where that right has been forfeited by his conviction of some public offense—it is the invasion of this sacred right which underlies and constitutes the essence of Lord Camden's judgment. Breaking into a house and opening boxes and drawers are circumstances of aggravation; but any forcible and compulsory extortion of a man's own testimony or of his private papers to be used as evidence to convict him of crime or to forfeit his goods is within the condemnation of that judgment. And this regard the fourth and fifth amendments run almost into each other.

The fourth amendment is as follows:

The right of the people to be secured in their persons, houses, papers, and effects against unreasonable searches and seizure shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

In the Lester case (77 Georgia, 143), from which we quoted under a previous point, the supreme court of Georgia said:

It is the right of any citizen or individual of lawful age to come forward and prosecute for offenses against the State, or when he does not wish to become the prosecutor, he may give information of the fact to the grand jury, or any member of the body, and in either case it will become their duty to investigate the matter thus communicated to them, or made known to one of them, whose obligation it would be to lay his information before that body. This, however, differs widely from forcing a person to reveal his knowledge to the inquest. The latter process is in the nature of an unlawful search, against which citizens are protected by constitutional provision. Neither houses, nor desks, nor secretaries, nor other places of deposit can by such general proceedings be opened and rifled of their contents for the purpose of enabling the grand jury to find out whether a crime had been committed, with a view of presenting it. General warrants, issued for accomplishing such a purpose, are absolutely void, and will afford no protection to any officer or party engaged in their execution, when called upon to answer for an invasion of personal rights under such circumstances.

The case of Hartranft in Pennsylvania is another case bearing upon the same question.

Now, Mr. Chairman and gentlemen, these are broad indications of the fundamental policy of our Government in regard to the private rights or the rights of privacy of a corporation or an individual. We have seen that as a corporation we are entitled to the benefit of the fourth amendment. The Supreme Court, withdrawing the shelter of the fifth amendment, has extended the shelter of the fourth amendment. We have seen that we are entitled, if we are called into court or before the public, to have a specific designation of the things which we must produce, and that those things must bear a relation to the investigation which that public body is conducting so as to make them material and pertinent to the inquiry. We have seen that a Federal grand jury may not do it, with all their power, unless that pertinency and materiality is manifest from the record, and now we say, although we are but a private corporation,

an association of individuals transacting business under a corporate entity, as pointed out in the elegant and pointed language of Lord Camden in the famous case I have referred to, and followed by the language of the distinguished Justice Bradley, of the Supreme Court of the United States, which is now the fundamental law of this country, we insist that unless this record shows that these papers to which this subpœna is directed will establish that your colleagues, the Members in Congress, have been contaminated or attempted to be contaminated by this corporation which we represent, unless this record shows it—and I challenge any gentleman to find anything in the record that will show it—we say that the demand upon us, even though the subpœna were valid upon its face, would be an improper and unjust and unconstitutional demand. I differ only from my friend from Connecticut, Mr. Brown, in the presentation of our side of the case as against his presentation in this particular: Congress may do as it likes with its Members. The law is plain in section 5 of the Constitution, and it is only under that section of the constitutional provision for this sort of investigations. It is perfectly clear under section 5 of article 1, which says:

Each House shall be the judge of the elections, returns, and qualifications of its own Members, and a majority of each shall constitute a quorum to do business.

Mr. BROWN. I would like to interrupt you a moment. Is not a Member of Congress as much entitled to the protection of the fourth and fifth amendment as anybody else, and no matter what the power of Congress may be, would not it be an abuse of power to deny him what is given ordinarily to a citizen of the United States?

Mr. LITTLETON. I think unquestionably if Congress did violate either the fourth or fifth amendment in dealing with a Member they would violate it, and they would be guilty of violating it. I was saying that the difference between your position and mine is, that while we carry all the burdens of a private corporation and may be charged to have all the grasping instincts which trade can dictate, we also enjoy the immunity of a private concern; we do not come under the provision that Congress may investigate us just because we are reprehensible and corrupt in our own affairs, or disagreeable or grasping. It makes no difference to you or to us or to the world if we are unpopular, if we have been denounced from New England to Holland and back again, we still enjoy all those privileges which go with the odium and privacy of a private corporation. The principle which my friend invokes with such ardor does not apply as far as we are concerned.

The power of Congress to reach us is only when we have reached Congress or when we have undertaken to touch and take hold of Congress. Even though we have been the beneficiary of legislation, unless we have undertaken to contaminate and render impure Congress or the officers of the Government, there is no reason why Congress should inquire after our conduct. That comes up amongst our own directors. The supreme power of the lower House of Congress to deal with its Members has always been acknowledged and exercised, with reference to the protection of the body, and the sole limitation upon Congress in exercising that power has been that wise precaution that it requires two-thirds of Congress to expel a Member. That differentiates the position which we occupy before the committee

and which my friend occupies before the committee, so far as this resolution is concerned, that the only concern this committee has to investigate us and to judge of our rights as an odious private corporation, if you please, is by virtue of the exact substantial language of this resolution. Whether the committee is held to the same rule in reference to an investigation of a Member of Congress I am not able to say. If the lower House of Congress is the judge of the qualifications of its Members, and can not be reviewed, and has only to secure a two-thirds vote to deal with it, I suppose they have a right to investigate when to them it seems orderly and proper.

Mr. BROWN. Are they not bound to obey the Constitution in conducting inquiries?

Mr. LITTLETON. I presume that the Congress of the United States, because they have been vested with the power to cleanse their own body, are presumed by the framers of the Constitution to obey the Constitution of the United States and to obey the laws of the country. And when once they have been vested with this authority and have acted upon it, they will be presumed to have obeyed the Constitution of the United States, for they are the supreme arbiters of the cleanliness and wholesomeness of their body. My point is that we stand in a different position before this committee—as to this Electric Boat Company, based upon legal propositions which keep us outside of the general pale of the power of Congress—from that of my friend and his clients on the other side, and I do not wish to say any more about it.

I confess there has been a good deal of doubt in my mind about the effect of the Kilbourn case as to just how far Congress had the power, suppose a witness did refuse and you thought he ought to produce those things, how far would you go. The Anderson case, I think, is the most pathetic in all history. He had a large claim before Congress in the Claims Committee, and I do not believe he had any idea he was going to do anything wrong when he approached Lewis, I think it was, and offered him $500 because Lewis had done so much for him. When the Speaker ran through that beautiful reprimand of his, the extreme and profound pathos with which he administered to this misguided old soul this terrible reprimand for approaching a Member of Congress with an offer of $500 is worthy of notice. This was the case out of which Anderson *v.* Dunn arose in the United States Supreme Court; this is the document which I desire to refer to the committee, if they have not examined or seen a copy of it. This is the first case where a man was punished for attempting to corrupt a Member of Congress. They reprimanded him, and that was the extent of it. Anderson *v.* Dunn was established as an authority, and it ran along until the case of Kilbourn *v.* Thompson was decided, and I have been rather lost in this opinion.

I find Mr. Justice Miller, in writing the opinion in Kilbourn *v.* Thompson, had exactly the same feeling about it. Justice Johnson, in Anderson *v.* Dunn (6 Wheaton, 204), decided, according to the general inherent power of government, Congress must have a right to punish for contempt, and he registers his opinion upon that; and I find when we come to the Kilbourn case there are only three questions really settled. The one is, the Committee on Elections—whatever you call it in Congress—being expressly authorized by the prosecution, can call the witness and punish him for disobedience.

Another is, in the case of impeachment either House can call a witness and punish him for contempt; another is the trial such as is involved in section 5, Article I. (Kilbourn *v.* Thompson, 103 U. S., 1190.) Those are the only cases where Congress in any way has power to punish for contempt or disobedience. I discuss this because it is naturally associated with the general question. I find in the Kilbourn case it says:

> We are of the opinion that the right of the House of Representatives to punish the citizen for a contempt of its authority or a breach of its privileges can derive no support from the precedents and practices of the two Houses of the English Parliament, nor from the adjudged cases in which the English courts have upheld these practices. Nor, taking what has fallen from the English judges, and especially the later cases on which we have just commented, is much aid given to the doctrine that this power exists as one necessary to enable either House of Congress to exercise successfully their function of legislation.
>
> This latter proposition is one which we do not propose to decide in the present case, because we are able to decide it without passing upon the existence or nonexistence of such a power in aid of the legislative function. (103 U. S., 189.)

Now, there has not been any change in that question, and the Chapman case did not involve the power of the House of Congress to actually punish anybody for contempt—I mean a citizen for contempt, some person other than its own Member. The Chapman case simply decided, under section 106 of the Revised Statutes, passed in 1867, providing that a witness who will refuse to answer might be certified over and indicted; that that act was constitutional; and the real question whether Congress had power to punish for contempt was not up in the Chapman case. I discuss this rather apart from my general discussion while I am on it. I have been thinking and talking about it so much for the last six weeks that I have come to the conclusion—whether I am right about it or not; if I am not it is not because of the lack of time, because I have been preparing and unpreparing for some time on this thing—I have come to the conclusion that whether or not Congress can punish a citizen, and in addition to that a corporation, for contempt of its authority—unless it would be a man who would go over and pick up a row with the gallery in its presence which would be actual contempt—and whether Congress can punish a citizen for disobedience of its authority, except in the three instances I have named, a committee on elections and impeachment proceedings and the other one named, the Kilbourn case, is an open question, and the Chapman case did not close it. The court said this:

> As we have already stated, the Constitution expressly empowers each House to punish its own Members for disorderly behavior. We see no reason to doubt that this punishment may in a proper case be imprisonment, and that it may be for refusal to obey some rule on that subject made by the House for the preservation of order.
>
> So, also, the penalty each House is authorized to inflict in order to compel the attendance of absent members may be imprisonment, and this may be for the violation of some order or standing rule on that subject.
>
> Each House is by the Constitution made the judge of the election and qualification of its Members. In deciding on these it has an undoubted right to examine witnesses and inspect papers, subject to the usual rights of witnesses in such cases; and it may be that a witness would be subject to like punishment at the hands of the body engaged in trying a contested election, for refusing to testify, that he would if the case were pending before a court of judicature.
>
> The House of Representatives has the sole right to impeach officers of the Government and the Senate to try them. Where the question of such impeachment is before either body acting in its appropriate sphere on that subject, we see no reason to doubt the right to compel the attendance of witnesses, and their answer to proper questions,

in the same manner and by the use of the same means that courts of justice can in like cases.

Whether the power of punishment in either House by fine or imprisonment goes beyond this or not, we are sure that no person can be punished for contumacy as a witness before either House, unless his testimony is required in a matter into which that House has jurisdiction to inquire, and we feel equally sure that neither of these bodies possesses the general power of making inquiry into the private affairs of the citizen. (103 U. S., 189–190.)

Now, I think the court did construe that branch of the statement by saying that these three instances are the only expressed and recognized instances in which Congress can punish a witness for contempt; and whatever may be the determination of the Chapman case, I desire to point out the effect of the Kilbourn case upon this investigation in just a word: Whatever may be the openness of the question, the fact notwithstanding remains that Congress under no circumstances nca punish a witness for disobedience to answer where the inquiry is being conducted by Congress into the private affairs of a citizen; and the court has left our minds and imaginations free to consider what would be required by a committee of Congress or a court as to the investigation of the private affairs of a private citizen. I think at least we may rest in this investigation with this definition of it: That where there is no evidence tending to show that the private citizen—in this case the Electric Boat Company—touched any branch of the Government remotely or directly with contaminating hand, or sought to touch them or reach out and lay its foul hand upon it, where there is no suggestion of anything wrong in all this record, the committee is left with the sheerest speculation, so far as anything we have in our possession would show it—no, it is not left with speculation—but where the committee is furnished with proof, with the testimony of all of our officers showing absolutely nothing, I think in the face of such a record as that, then to prosecute the inquiry any further into our private affairs would certainly be within the meaning of this express opinion of the Supreme Court, where they say, "We feel equally sure that neither of these bodies possesses general power of making inquiry into the private affairs of the citizen." For you, gentlemen, have certainly had it demonstrated that all our public conduct, the range of our public acquaintance and ramifications of our public experience, from our beginning way back in 1880 and coming on up to the present time, ranging in point of inquiry from the price of the cigars of our most lavish officer to the conduct of a yachting expedition upon the Potomac River, an inquiry into everything between heaven and earth, and which we are perfectly willing you should do and glad you have done it; having explored everything in connection with our public conduct and public behavior; since you have explored that and found nothing but absolute refutation of every charge in the idle rumors or charges of Representative Lilley; since you have found nothing, I think you are entitled to say if you have found that fact the case is placed clearly within the declaration in the Kilbourn case, that you may not inquire into the private affairs of the citizen. I say that in the Kilbourn case at least that much has been decided flatly.

Mr. HOWARD. Are you familiar with the message of President Andrew Jackson in respect to resolution introduced in Congress by Henry A. Wyse, in which, on the President having sent a message to Congress saying that the Departments of the Government were effi-

ciently and honestly conducted, that statement was challenged, and declaring that they were not faithfully and honestly conducted, and a committee was constituted under the provisions of that resolution, calling for an investigation of the various Departments, and witnesses were called for by this committee. Andrew Jackson was then President and the matter was brought to his attention and he issued an order that no witnesses should respond to any such general call or demand; that that was an illegal investigation and without their province and the powers of Congress, and that until there had been presented evidence on specific charges of corruption or misbehavior on the part of officers of the Government, Congress itself had no right to prosecute such an inquiry, and it was abandoned.

Mr. LITTLETON. I am not familiar with that.

Mr. HOWARD. It occurred in 1836, where it would seem there was some cognate relation between power of Congress to look into the Executive Departments of the Government.

Mr. LITTLETON. I recall the message of President Buchanan, protesting against the power of a committee of Congress to investigate at all, and saying it was the power of the executive branch of the Government. I have that citation here in this volume. It must have followed the Jackson episode. I think I will turn to that, if you will permit me. I am greatly obliged to you for the suggestion. I will look that up.

May I ask the committee if you have examined what is known as Senate Miscellaneous Documents, second session, Fifty-third Congress, Miscellaneous Document No. 278, which is in bound volume Digest of Decisions and Precedents of the Senate and House of Representatives, relating to the powers and privileges of their Members and officers as to investigations, contempts, libels, contumacious witnesses, expulsions, writs of habeas corpus, etc., with decisions of the United States Supreme Court and other courts relating thereto. I do not know whether the committee have this. It is a very rare thing to find anywhere, and if you do not have it I desire to refer you to it. It is Miscellaneous Document No. 278, Fifty-third Congress, second session. This is compiled and indexed by Henry H. Smith, clerk to the Senate Special Committee to Investigate Attempts at Bribery, etc., under the resolution of May 17, 19, and 28, and August 16, 1894, and it contains all of the cases stated. It does not contain the one to which Mr. Howard refers, because I do not suppose it was made in the shape of a case.

Mr. HOWARD. No; it was abandoned.

Mr. STEVENS. Is that investigation of the Chapman case there?

Mr. LITTLETON. It is, except it has not the opinion of the United States Supreme Court.

Mr. STEVENS. Was that prepared the time the Chapman case was under investigation?

Mr. LITTLETON. I think it was. It begins with a synopsis of cases, beginning with expulsion of Senator Blount and Senator Marshall in 1793—I think it was right after the organization of the Government—and then goes on down with the case of Randall and Whitney, which occurred about 1800, and then the case of William Duane.

You asked Mr. Brown this morning, Mr. Howard, substantially if an attack on Congress by a newspaper would justify an action by Congress against the editor of a paper. The first case on the sub-

ject was Duane; the case is reported here and argued very fully and at great length by the distinguished men who constituted the House. Mr. Duane was cited to appear and he never appeared. Of course they could not do anything with him if he did not come, but they convicted him in one of the courts afterwards for libel. There is one other citation here. I told the committee a moment ago I would call the attention of the committee to their right to deal with another Congress beside this. This is the case of William F. King and John D. Schumaker, Forth-fourth Congress, second session, Michael C. Kerr, of Indiana, Speaker. These cases are included for the reason that the report of the Committee on the Judiciary—made by William P. Lynde, of Wisconsin, and not by Mr. Scott Lord, of New York, as printed (see Report No. 815 and Journal, 1st sess. 44th Cong., p. 1410)—is a valauble and important contribution on the subject.

First, of the power of the House of Representatives to take jurisdiction of violations of law or offenses committed against a previous Congress.

Second, as to the power and propriety of the House of Representatives to interpose in respect to acts or offenses which are made by statute and were then before a court of competent jurisdiction by reference by the House of Representatives under its resolution of March 3, 1875.

Then there is a lot of citation. I will read a part, which follows. Mr. Lynde, from the Committee on the Judiciary, submitted the following report:

The Committee on the Judiciary, to whom were referred the papers and testimony taken by the Committee on Ways and Means of the Forty-third Congress, with instructions to inquire what action should be taken by the House with reference to the persons, now Members of this House, charged with complicity in the alleged corrupt use of money to procure the passage of an act providing for an additional subsidy in the China mail service during the Forty-second Congress and with giving full testimony in relation thereto before the Committee on Ways and Means of the Forty-third Congress, have considered the same and report:

That the Committee on Ways and Means of the Forty-third Congress, after a thorough investigation of the charge that a large sum of money was used to secure the passage through Congress of an increased annual appropriation to the Pacific Mail Steamship Company, in the nature of a subsidy, reports, among other things:

The results of the evidence are that about $900,000 was disbursed upon the allegation that it was used in aid of the passage of the acts now under investigation; that about $565,000 appears to have been paid to the exclusive use of persons having no official connection with such legislation, and that the disposition of the remaining $335,000 remains in doubt upon the evidence presented, but without any testimony showing that it was a reward paid to any person at that time a Member of either House of Congress, and that the uncertainty pending the disposition of this latter sum is owing to the refusal of William S. King to testify the truth and to the failure or refusal of John G. Schumaker to present all the facts which the committee believe it was in his power to give.

The committee report the following resolution:

"*Resolved*, That a copy of the testimony taken before the Committee on Ways and Means, upon a question of the corrupt use of money to procure the passage of an act providing for an additional subsidy in the China mail service, be delivered to the Clerk of the House of Representatives, to be by him laid before the House at the first session of the Forty-fourth Congress, to the end that they may make further inquiry and take due action upon the question affecting William S. King and John G. Schumaker, and further proceed therein as they shall deem just.

"*Resolved*, That the Clerk of this House transmit to the United States district attorney a copy of the evidence taken before the Committee on Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail service, with direction to lay so much of the same as relates to the truth of the testimony given by William S. King and John G. Schumaker before the grand jury of said district for such action as the law may seem to require."

The above resolutions were adopted by the House, and a copy of the evidence taken before the Committee on Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail service has been transmitted to the United States district attorney for the District of Columbia by the Clerk of the House in accordance with said resolution.

The whole subject is properly before the court; the offenses charged crimes by statute, and the Constitution provides no persons shall be held to answer for an infamous charge unless on the presentment or indictment of a grand jury.

The committee are of the opinion that the House of Representatives has no authority to take jurisdiction of violations of law or officers committed against a previous Congress. This is purely a legislative body and entirely unsuited for the trial of crimes. The fifth section of the first article of the Constitution authorizes "each House to determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member." This power is evidently given to enable each House to exercise its constitutional function of legislation unobstructed. It can not vest in Congress a jurisdiction to try a member for an offense committed before his election; for such offense a member, like any other citizen, is amenable to the courts alone. Within four years after the adoption of the first ten amendments to the Constitution Humphrey Marshall, a Senator of the United States from Kentucky, was charged by the legislature of his State with the crime of perjury, and the memorial was transmitted by the governor to the Senate for its action. The committee to whom it was referred reported against the jurisdiction of the Senate.

And that decided their report.

That rule has been sustained in another case, the case of Patrick Woods, alias Pat Dooley, who attacked a man from Richmond, Va., and was committed for a period beyond the term of the Senate. The argument was that the Senate was a continuous body. The Senate hastily agreed, but at the very next session reversed themselves, as I think they should have done, as to their authority to continue a man in prison beyond the time of the adjournment of their session. So that I think it is pretty clear that neither this committee nor any committee could inquire into acts, wrongs, or corrupt practices of a previous Congress, and do it under strictly constitutional authority. Now, I want in conclusion to say one word——

Mr. OLMSTED. Just there, shall I interrupt you, Mr. Littleton?

Mr. LITTLETON. Yes.

Mr. OLMSTED. Have you considered the investigation of the Credit Mobilier? Was there not an investigation into the conduct of Members of a previous Congress?

Mr. LITTLETON. I think that is true, Mr. Olmsted. I have not a case here in this volume. I think the question ought to be taken in this way: Where a private citizen or private corporation, which Congress is now investigating, only in so far as it has attempted, according to the evidence, to exert a corrupt influence or has exerted a corrupt influence on Congress. Now, while you might try a Member of Congress, he himself being a Member of that body, and bring into his case his conduct in a previous Congress, if he has continued over, I doubt very much if, trying a private corporation or citizen, you could make his offense against a distinct body operate as an offense against this Congress, of which your committee is the arm or representative.

Mr. STEVENS. If the offense is a sort of a continuous one, if the legislation is a continuous thing and its methods are the same, and the membership is essentially the same and the object to be obtained is the same, have we not the power to inquire as a continuous performance——

Mr. LITTLETON. I will answer you, Mr. Stevens, according to my *best judgment*. I have thought a great deal about it. I do not

know whether it has done much good or not, but this committee is investigating under the right to purify or defend the legislation of this country and to protect the dignity and decency and honor of its body, and it is not investigating under any other theory. As I understand it, you are armed and equipped with a commission to go out and to use every possible means and endeavor to rid that body of imputation of dishonesty and to punish any person who has attempted to bring it into contempt or destroy its dignity or prostitute its great office by seeking to exert a corrupting influence on it. That being true, you might introduce evidence of our conduct in previous Congresses on the theory of quasi criminal acts on our part, on the theory of a contemporaneous continuous action, if you please. You may show our conduct for a few years, if you please, if we have been guilty of things that were wrong, for the purpose of establishing we had a systematic way of doing these things, or for the purpose of showing whether things we did this year were the the result of accident, or whether they were deliberate or not. You might allow our conduct at previous Congresses to follow into this particular Congress in order to shed whatever light it might upon our intent and purposes in this Congress. So far as giving that as the basis for action of this committee wholly and solely, without reference to this Congress, I think it is unsound. That is the best opinion I could extract from the whole situation.

Mr. HOWARD. Have you any idea it would operate as a statute of limitations?

Mr. LITTLETON. I don't know, it may be a statute of limitations, Mr. Howard.

Mr. HOWARD. Suppose you were prosecuting for perjury or a series of perjuries, and you proved one that was outside of the statute of limitations, would not that statute bar it?

Mr. LITTLETON. That would rob it of its contemporaneous character right away. You could not do anything if you wanted to introduce that as evidence of perjury, not because it was barred or not barred, but because it was not contemporaneous with the one charged in the indictment. That would be the reason. You could not prove anterior acts or conduct on our part, but only to shed light and illuminate our conduct toward this Congress. That is my theory of it, and that is, I believe, the sound theory about it. If the contempt of Congress consisted in an attempt to corrupt them, and we will assume that some one attempted last year to corrupt the last Congress and then came over and attempted to corrupt this one, and you tried him on the question of contempt, as poor John Anderson was tried and punished and reprimanded because he did attempt to bear up with Mr. Lewis—now, then, the contempt which John Anderson committed could not be used to show his conduct toward Lewis in the succeeding Congress, unless it was a series of systematic acts and of such contemporaneous character as to shed light upon the intent and purposes of the man in doing it.

Mr. STEVENS. But it should be taken into consideration by Congress as to its action in the whole thing.

Mr. LITTLETON. Of course Congress has usually
fluence there when it comes to dealing with questio
but I do not believe, Mr. Stevens, it could be consid
as anything else than it would be considered in th
to illuminate the conduct of the party in the present

Mr. STEVENS. If we have to use it at all, what difference does it make with you? If we have power to take evidence on any theory, we have the right to go to the limit of that power.

Mr. LITTLETON. So far as we are concerned, of course I have not the slightest objection to the committee considering anything we have done that is on the record.

Mr. STEVENS. If we have the right to get evidence at all, we can use it as we see fit.

Mr. LITTLETON. There is no question about that at all. I am apt to fall into the habit of looking at the legal end of it—what little habits I have got. You ask me the legal question, whether I believe the fact of a previous contempt to corrupt Congress could be considered by this Congress; I was giving you my legal definition of such an act.

Mr. STEVENS. You believe it could be used for certain purposes?

Mr. LITTLETON. Yes, sir.

Mr. STEVENS. If we do get evidence from a certain source, Congress then has a right to use it as it sees fit for the whole situation.

Mr. LITTLETON. I am trying to bring the thing down to a general basis; I am endeavoring to put everything that is on record in this question before the committee now, whether it considers it or does not consider it.

Mr. STEVENS. Here is one matter I would like your views upon in discussing the affairs of your company. You claim that you reorganized, as I understand, when Mr. Creecy and Senator M. C. Butler, and that crowd went out and Mr. Rice and Mr. Frost and his crowd took charge. Now, you would disclaim under your theory our right to hold your company for anything that the old organization did?

Mr. LITTLETON. Of course I would.

Mr. STEVENS. But you would have to admit that if that reorganized company adopts a certain course which we would regard as corruption of Congress that we might call on you to show certain facts showing a uniform course having a culmination in connection with this Congress.

Mr. LITTLETON. I do not know whether I catch the drift of that statement. But so far as the Holland Boat Company is concerned, the predecessors of our company now, and the conduct of these gentlemen who suffered with it through the lean years of its existence, and the conduct of any person in connection with it, of course the Electric Boat Company either legally or morally could not be held responsible before the Congressional body or in the courts; that would be limited.

Mr. STEVENS. We realize that.

Mr. LITTLETON. Whether there is any connection between the present Electric Boat Company, and whether connected with habits that were continous, that is a matter entirely for the work of the evidence. I do not see it, but the committee may see differently.

Mr. OLMSTED. Let me see if I understand your position. If there is no evidence of improper conduct on the part of your corporation or of any other corporation in connection with legislation in this present Congress, then we might go back into acts in connection with a previous Congress tending to corroborate or strengthen the testimony in connection with this Congress. But there being no evidence of improper conduct touching any Member of the present Con-

gress or legislation pending or proposed in the present Congress, then we have no power to inquire into the conduct of the company, or whatever company it may be, touching its conduct or previous conduct.

Mr. LITTLETON. Yes. In other words, the last year's conduct or the year before, if there be something this year which proved that we have attempted to interfere with this Congress or to do anything that you would have the right to investigate—if there would be something last year or the year before which shows that it would be a systematic development or connected in some manner—I think that could naturally and properly be used to show reprehensible practices. But if you fail to show something in this Congress, I claim this committee is sitting without jurisdiction.

Let us write into the resolution—then we can see how it is—"that a committee of five be appointed to investigate the corrupt practices of the Electric Boat Company and the practices in a previous Congress," let that be any Congress whatever, and say that was written into this resolution. The Electric Boat Company could very readily, as a citizen, I think, challenge the jurisdiction of the committee and say, you gentlemen have no right to investigate its conduct toward previous Congresses; it is entirely without constitutional power, express or implied, historical or traditional of any kind.

Mr. STEVENS. Well, now, Mr. Littleton, suppose it is considered that the form of legislation is reprehensible—that is to say, that the amendment proposed by the Naval Committee was wrongful as a matter of public policy; have we not the right then, if it gives your company an undue advantage, supposing it shows an unjust and undue profit, that it gives you an undue advantage over competitors, that it confines the Government to an obsolete or obsolescent (I do not know which it is), type of boat—have we not the right then to compel you to disclose all the evidence you have in connection with that, with the idea of finding whether you have exercised corrupt methods in securing these advantages?

Mr. LITTLETON. If the act of the present Congress and the provisions of the bill reported from the Committee on Naval Affairs showed that the Committee on Naval Affairs intended to make an exclusive act providing for the *Holland* type of boat, or intending that the Secretary of the Navy should be limited to it. It will not do to draw an inference against 17 of your colleagues at the instance of 1, to disregard the conduct of 17 upon the vague suspicion of 1 other that there was something wrong in the influences that dictated that provision. Neither this committee nor Congress has any right to presume that the 17 men sitting on the Naval Committee were not just as high in their probity or in their conceptions of duty or in their sense of honor as any other committee of Congress. It will not do to say that because a legislative provision in the naval bill in the Naval Committee was of a certain character, therefore it was dictated by some undue influence. I want to call the attention of the committee to one thing which seems to have been lost sight of, I won't say by the committee, but in the general discussion of it in the Naval Committee. This restrictive legislation, so-called, was passed in the absence of competition of which we have heard so much. Was there not at the very outset of this affair the most stringent, the most severe and exacting *competition ever inflicted* upon two companies, providing for tests on

the high seas, where these devils of the deep could demonstrate their power for the first time. The competition was not a competition of blueprints against boats, of vagaries against actual demonstration; it was a competition had in the open sea, where each man was invited to enter and did enter, and where each man having entered, the result dictated to the Naval Committee and the Naval Committee decided that this boat had won the battle. There was true competition; and the legislation, instead of cutting out competition, had produced that very competition which could be had only upon the high seas.

It would be harsh and unreasonable to presume, because the Naval Committee had followed the tests at Newport and the Secretary of the Navy had followed the practice of the Department, and because they had done what Mr. Simon Lake admitted they should have done, in order that the best boat should win—I say it would be harsh and unreasonable, because the legislation was then regarded as restrictive, to presume that in some inscrutable, invisible way our corporation—against which nothing has been proven, but everything charged—had reached into that committee room and endeavored to corrupt 17 Members of the House. There is not one definite suspicion that could be made a basis to justify an investigation into our private affairs, or compel us to dig up the secret documents of our system and lay them upon the table and expose our private business. I want to say that much in favor of the competition conducted by the Naval Committee and against the presumption of unfairness in the Naval Committee. I do not regret it on account of our company; we accepted the legislation passed by the House the other day uncomplainingly and unmurmuringly; we will meet the gentlemen under any flag and on any sea, wherever they want to go. I was sorry to see that the Naval Committee was not sustained in the House, because there was not a suggestion to shut out competition; instead of being an effort to throttle competition, it was the very product of it. And I therefore submit that there is no reason why our books and papers should be had by this committee, because the legislation of the Naval Committee followed the programme which resulted from the competitive tests at Newport. The cry has been, there was no competition. What the gentlemen want is that we shall make a boat and they a blueprint. The blueprint costs $10 and it costs $100,000 to make a boat. You can not tell whether a blueprint will dive with hydroplanes or without. You can not tell whether the plans and specifications will float or sink, but you can tell whether a boat will float or sink. And we were the first, Mr. Chairman; we spent our money and bankrupted our people. The course of this company has been along the course of all such companies. In my judgment the history of the average corporation is more pathetic than that of the average man. This company has got its story to tell. It is willing to stand before the Naval Committee and the Navy Department; but it submits that enough harm has already been done to it, Mr. Chairman.

Now, all Europe is listening to the scandal and outrage perpetrated on this Congress; in every land and town it has been carried from these four walls that we were corruptors of the legislators of the country. They say we have been a contaminating, corrupting, and corroding influence upon the Navy Department. That report has been spread *broadcast* throughout the country, and those with whom we have had

business relations now look askance at us and say, "What kind of corrupt and miserable corporation is this we have been doing business with?" We have submitted to all sorts of imputations against us; we have stood before the country with a Member of the House charging us with corruption, with bribery. And we did not answer through the press; we answered nowhere but to the face of our accusers and before this honorable committee. We have never spoken until to-day, although speech has a thousand times risen to our lips, and although our hearts have beat with anxiety to deny the outrages against us. This is the first time and only time and perhaps the last time we will have a chance to say anything. We have been patient and earnest in our endeavor to do our duty. We demand that those who take issue shall come as into a court of equity, with clean hands and clean motives; not actuated by impulses of rivalry or instigated by the company with which we have won upon tests. We say, Mr. Chairman, to ask us to produce the books and papers now, in the face of the whole evidence, at the dictation of a competitor, or in pursuance of idle rumor and gossip—confessed gossip; it has been floated through this room for two months, at last to be admitted as gossip—to require all this of a business corporation, and let the news go to the four quarters of the earth that we have turned over to the American Government all our private papers, contracts, that everything has been turned over, is simply to invite the countries of Europe with whom we have done business to say we are playing fast and loose in our obligations with them. It is simply to invite a rival concern, unable to meet us in fair competition, to introduce a resolution based upon rumor and hearsay, and thus to expose and publish our books and papers and destroy the business of our concern. Some one might say the United States Steel Company has been influencing Congress; he might go to your Committee on Rules and bring charges which would be referred to a special committee to take evidence; again, this accuser might call on the officers of the United States Steel Company and let them in turn deny that these wrongs have been done; suppose the companies should simply deny they had any guilty knowledge, any incriminating evidence to give; and then, on top of that, Congress should say: "You must bring your books and papers"—let that be declared to be the law and the policy of this Government, and every business or corporate property from Maine to California and the Gulf to the Lakes will perish. And furthermore, if such a law could be enforced against corporations, then every partnership could be made to produce its books and papers, with like results.

Mr. Chairman, in the name of our simple corporate rights under the law of this country, I respectfully, on behalf of the Electric Boat Company, protest, and I plead that this demand on behalf of the committee for the production of books and papers shall not put us in the embarrassing position of refusing to produce them. I ask the committee not only not to make an order, but not to ask us to produce them; not put us in the position which would follow of having refused to produce those books and papers.

I can not tell you how much obliged I am for your patient attention.

Mr. STEVENS. I would like to ask you one question, Mr. Littleton. In 207 United States Reports, in the case of the Consolidated Rendering Company against Vermont, the syllabus of the case reads thus: "An objection that a notice to produce books and papers is too broad can

not be urged against the validity of the order adjudging the party refusing to comply guilty of contempt. (Hale *v.* Henkel, 201 U. S., 43). Nor is a notice to produce too broad if, as in this case, it is limited to books and papers relating to dealings with certain specified parties between certain specified dates." Is not the subpœna in this case of the form discussed by the Supreme Court?

Mr. LITTLETON. No, sir; that has been limited to nothing at all. The subpœna in this case says all books of accounts showing payments made to attorneys and employees for work performed or to be performed at Washington or in any Congressional district within the United States; that means from the beginning of time to the end of the world; it is not limited at either end, and in every nook and corner of the United States; you may have a thousand attorneys.

Mr. STEVENS. Would not the presumption, in view of the doctrines you have laid down—would not the presumption follow that that would be confined to the present Congress?

Mr. LITTLETON. You can not presume against the face of this subpœna. I would like to indulge that presumption, but I would hate to think I had obeyed the subpœna unless it was redrawn. Here is the point: If this subpœna were drawn as I think it ought to be—of course my ideas are those of attorney for the boat company, and they have got to be taken with that limitation—but I should say the subpœna should read that you bring with you all books and papers. There is no trouble to get at the charge in this thing, the charge that for several years prior to the investigation the Holland and its successor, the Electric Boat Company, retained in Washington an organized lobby for the purpose of influencing legislative appropriations; and if I am right in my contention, that confers no jurisdiction upon anything anterior to this Congress. That is really the only place where the books are mentioned. It says that an examination of the books and records of the Electric Boat Company and its predecessor, the Holland Boat Company, will show that large sums of money have been paid from their treasuries for the above purpose—that is, that large sums of money have been paid by the Electric Boat Company to campaign funds to accomplish the defeat or election of Members of Congress. Now, that is the only assertion, either in the charges or evidence, that our books and papers will show anything.

Mr. STEVENS. Would not there be a presumption that the jurisdiction of this committee would be read into it?

Mr. LITTLETON. Well, I don't know. If you just put it in the language which I think would be the simple way to meet what we are charged with; if you put it in the language of that charge, you can answer that very readily. In other words, if the language is treated in its ordinary sense, like an ordinary man treats language, we are charged with having spent great sums of money to elect and defeat Members of Congress. Suppose that was in the subpœna, and you said, "Bring all your books and papers that show contributions to campaign funds of Members of Congress of any description and kind." Now, Mr. Rice takes the stand, and the committee and Mr. Lilley through his questions, dictated by the other company, asked the the question, "Did you ever contribute money to a campaign fund?" "I did not." "Did your company?" "I did not." "To any campaign fund to any Member of Congress?" "I did not." "Any *member* of the Naval Committee?" "I did not." Not a suggestion

of any book, paper, or document anywhere that would throw any light upon the question, because nothing of that sort has ever taken place and there is nothing to record upon the subject. Now, that evidence was given here before this committee by Mr. Barnett, Mr. Johnson, Mr. Frost, and Mr. Rice. Now, then, if you are going to deal with it in the ordinary way, the charges are here; if all right, we will read them into the subpœna duces tecum. Take the record of which the chairman says this thing will be said or understood. Your answer is absolute; there is no suggestion that there was any money contributed of that sort; you have asked us if we have it and we have said, no. Can there be any answer to that? Take Mr. Lilley's case; suppose he had said, "I have no letters; did not write any." Would you have demanded the letters from him? We tell you there are no papers, no documents, nothing of that sort occurred. Can we produce something we have not got? Can you demand someting in the subpœna duces tecum which we have already demonstrated we have not got? I do not think so. That seems to me to be the answer to that.

Of course it goes without saying that these charges have not been sustained, and Mr. Lilley on the last day, in response to Mr. Broussard, Mr. Stevens, and Mr. Howard, distinctly and unqualifiedly said that everyone of them was based upon hearsay and rumors. Now, when we have both at the beginning and end of the hearings the declaration of the person on whose sole responsibility the charges were made, even though counsel for the other company dictated the charges—when we have his disclaimer that he himself does not base them on anything except idle rumor and you have here evidence that there is no such thing—how futile is it to say to us, "Produce them." We can not; our simple plea is, "Non possumus." And the reason I take exception to this subpœna is because I ought to do it; as a lawyer, under that decision I think it is my duty to do it, if the committee will permit me; as I said the other day, that is the reason I asked the chairman if its proceeding is to be based on this subpœna. I see no reason for doing anything more than meet the simple question, Is there anything in the charges or in the nature of the inquiry that suggests a point on which we would shed any light by producing these books and papers? I confess—looking at it with an unbiased judgment, and appearing as temperate as a man can in the midst of an intemperate climate—I do not see any answer to the proposition at all; it has gotten beyond me; I can not reason any further about it. I have gone to the end of my capacity for reasoning on it.

In the Chapman case the Supreme Court of the United States said this:

> The questions were not intrusions into the affairs of the citizen; they did not seek to ascertain any facts as to the conduct, methods, extent, or details of the business of the firm in question, but only whether that firm, confessedly engaged in buying and selling stocks, and the particular stock named, was employed by any Senator to buy or sell for him any of that stock, whose market price might be affected by the Senate's action. We can not regard these questions as amounting to an unreasonable search into the private affairs of the witness, simply because he may have been in some degree connected with the alleged transactions, and as investigations of this sort are within the power of either of the two Houses, they can not be defeated on purely sentimental grounds.
>
> The questions were undoubtedly pertinent to the subject-matter of the inquiry. The resolutions directed the committee to inquire whether any Senator has been, or is, speculating in what are known as "sugar stocks" during the consideration of the tariff bill now before the Senate. (166 U. S., 669.)

Mr. STEVENS. You concede, if your officers denied that there were any such things in existence, if there were any proof that your officers were mistaken, or that some such things were in existence, that your position would then be void under the Chapman case, would you not?

Mr. LITTLETON. Yes; with the exception of this suggestion; if our officers were swearing one way and the evidence was the other way, you would have the right to say, "We do not believe your officers." You would have independent testimony from an independent source. You have not only nothing of that sort now, but you have disproof of that whole proposition.

Mr. HOWARD. Suppose you went to court; how are you going to try this question out? We have issued that particular subpœna, and you object to it on the ground you have. We will admit that the objection was valid and then redraft a new subpœna, putting it on the specific allegations in the charges, that you undertook to defeat a certain Member or elect a certain Member of the Sixtieth Congress, and that we wanted your books and papers to show that. That would get rid of all the objections you have urged.

Mr. LITTLETON. Yes.

Mr. HOWARD. You would answer that under oath in court, would you not?

Mr. LITTLETON. Yes, sir.

Mr. HOWARD. By saying you had no such books and papers?

Mr. LITTLETON. Yes, sir.

Mr. HOWARD. Now then, the other side would traverse your answer.

Mr. LITTLETON. Yes, sir.

Mr. HOWARD. It would undertake to prove your answer not true.

Mr. LITTLETON. Yes, sir.

Mr. HOWARD. On the trial of the issue made by that traverse would the other side get the evidence to support their traverse or would they have to furnish it aliunde.

Mr. LITTLETON. They would have to furnish it aliunde.

Mr. HOWARD. If they were compelled under law to furnish it aliunde, would you not, until they proved the issue under that traverse, be protected by your original answer?

Mr. LITTLETON. Undoubtedly so.

Mr. HOWARD. Would we have any greater right than in court?

Mr. LITTLETON. I do not think so; I think you would have no greater right and would be bound by the same limitations and views. In other words, it happens to be in the record now that Mr. Rice has already denied everything that could be suggested by these charges; and all its officers have done so; to reframe the charge would simply mean, they would have to appear and say again, "We have no such books and papers, because we never did any such thing."

It seems to me that when the charges were begun and we started out in this investigation six weeks ago, large latitude was given to everybody by the committee, to us as well as to anybody else, to cross-question in, and to do as we like about it; large latitude has been allowed since that time, and in this debate we have been allowed large latitude. This whole investigation rests upon the unsupported moral convictions of one man; no, not so much as that, on nothing more than persistent, prevailing rumor.

Mr. STEVENS. Well, now, what have you to say about the question of excessive costs in the pending appropriation bill?

Mr. LITTLETON. The pending appropriation bill?

Mr. STEVENS. Yes; as the basis for the production of your books and papers.

Mr. LITTLETON. Take the testimony of Mr. Lilley on the question of cost; he says that he got his estimates of cost by having a computation made by the secretary, and by Mr. Neff, I think, for part of it. Now, the whole proof, if you would call it proof, is made up of the testimony of Mr. Webster and Mr. Neff. Mr. Neff belongs to the other company. Like myself, he would not want to make up the testimony as to cost; I would suspect myself if I did it, and I am satisfied Mr. Neff would suspect himself. Mr. Webster I shall not comment upon; I do not think he is competent to say anything about the submarines any more than any other intelligent boy of his age. Just consider how reckless it is to go before an intelligent committee of representative men, to go before this country, and to throw out this suggestion. Do we have to answer because of that? Would a committee of Congress, appointed to investigate this matter of cost, require the company to come in and divulge its books and cost account because the secretary of some Congressman has said that? We have the officers of the departments of the Government who are familiar with this question, and they tell us that the cost is reasonable. We have the fact that they have accepted our prices. We have the testimony of our own constructor, than whom I think there is no better, Mr. Spear. We have our own figures at the Navy Department now, and at the command of this committee. Will you gentlemen seriously and earnestly contemplate the spectacle of an understrapper overruling the whole Navy Department?

Mr. OLMSTED. You said a blueprint cost $10 and a boat $100,000. Is that the result of computation?

Mr. LITTLETON. Not at all. That was an illustration; I was trying to give the proportion, and I took that of a blueprint costing $10 and a boat costing $100,000; there was no computation. I want to say we have been up against a proposition of competition with the blueprints all the while. Certain men take up the idea, build boats, demonstrate their ability, and then a lot of blueprints are put on the table by would-be competitors against this boat. I use that as an illustration.

The CHAIRMAN. I would like to ask whether you have any authority or any suggestion to offer regarding the power of this committee to demand the production of those books and papers by way of cross-examination; that seems to have been a point which has not been fully elucidated, and was referred to by Mr. Brown, who contended that although Mr. Lilley might be our witness, we had no right to call for his letters by way of cross-examination. Now, let me refer you to page 22 of the printed record, where Mr. Lilley modifies his statement before the Committee on Rules, and said:

> I should again call attention to the fact that I have made no charge against the membership of the House, but only against the improper methods pursued by the Electric Boat Company and its predecessor to influence Members of the House, and notwithstanding which the Committee on Rules, of its own motion, prepared and reported a resolution under which the committee is proceeding, which reads as follows:
>
> "*Resolved*, That a committee of five Members be appointed to investigate the charges made by said George L. Lilley of corrupt practices on the part of said company and of Members of Congress with respect to legislation."
>
> The first statement of this resolution, that I have made charges of corrupt practices on the part of said company, is correct. The further statement, that I have made

charges of corrupt practices on the part of Members of Congress, is not correct and is at variance with the tenor of my original resolution and of my statement made before the Committee on Rules.

Now, after summoning all the witnesses whose names had been suggested by Mr. Lilley, and after going further here, endeavoring to verify his charges by witnesses who the committee thought would know whether there had been any corrupt practice, namely, the officials of the rival company, and when the summoning of all these witnesses had failed to disclose in oral testimony any substantiation of the charges, some seven weeks after the statement referred to on page 22, Mr. Lilley in his testimony said [Mr. Broussard conducting the examination]:

Q. Do I understand you to charge that these methods have been effective, and Congress has been influenced by these methods?—A. I do not charge any Member of Congress, Mr. Broussard.

That seemed to be, after seven weeks of taking testimony, a confirmation of his opinion stated at the first meeting of the committee. That left only his charge of corrupt practices on part of this boat company for the purpose of influencing Members. The only specific way in which that charge could be made good under his original statement was through the corrupting influences of the press; and on page 1587 this question was asked:

Q. I am asking you about the press, and not about a man visiting chambers of Congress and municipal buildings; I am asking about the press. Do you make that specific charge?—A. Whether they have corrupted any Member of Congress?

Q. Yes; whether they have been effective?—A. I can not say that they have.

Q. You charge, I understand, that this company has been, through its reprehensible methods, able to secure contracts with the Navy Department whereby they have made profits that are beyond the normal profits of men engaged in business?—A. Yes, sir.

Q. Do you charge that the men connected with the making of these contracts with this company have been corrupted by the men who have secured the contracts?—A. No, sir; I do not.

Now, the question I wish to ask is whether, after that withdrawing of the charge, this committee can by way of cross-examination demand any of these books and papers to substantiate any of the information. Have you any authority or any suggestion to make?

Mr. LITTLETON. You mean demand the books and papers of the boat company, after the withdrawing of the charge under the questions of Mr. Broussard?

The CHAIRMAN. Yes; after the charge that remains after that withdrawing, namely, that there has been corruption on the part of the boat company, but not affecting Members or members of the Navy Committee.

Mr. LITTLETON. As I said a little while ago, although I did not have this clear evidence before me at the time, Congress has no power to investigate a citizen for the fun of investigating him, nor a corporation; I do not care how corrupt a citizen is, nor how nefarious and devious are the ways of a corporation. In other words, as you suggest, the record shows that these charges were first before the Committee on Rules; as I understand, that neither comprises by evolution nor devolution the charge that there was corruption on part of Members of the House whom Mr. Lilley said he did not want to name. When this committee was organized he said at the outset he charged the boat company wit'i an attempt to corrupt Members of Congress,

but he did not name Members of Congress. Now, we still have, after seven or eight weeks, the final question left us of attempting to exert influence on Congress. Thus the charges finally dwindle down to the proposition that this is a corrupt boat company.

Mr. HOWARD. Impotently corrupt.

Mr. LITTLETON. Yes; an emasculated boat company.

Mr. STEVENS. Conceding that up to this time there is no apparent basis, as you claim, but this committee has made further demand upon the Lake Torpedo Boat Company that they produce their books and contracts, and has demanded of Mr. Charles R. Flint, who is informed about such matters, that he produce contracts and information; now, if those witnesses do produce, as I presume they will, their books and papers, and show an unjust, undue, and excessive profit, would not the result, which might be the basis for legislation and charges against you—could not that evidence be used as a basis for the production of your books and papers? Suppose the Lake Company produced their papers and contracts, and Mr. Flint his books and contracts, and all of this evidence gathered in that way would show that you had received an unjust and excessive profit, and that you would receive an unjust and excessive profit, in view of the legislation that was proposed in the House bill, would not that be a basis for our compelling the production of your books and papers?

Mr. LITTLETON. I am willing to make this sort of a statement, Mr. Stevens: If Mr. Flint produces anything at any time, or Mr Lake produces anything about the cost of any of our vessels, or theirs, for that matter, showing excessive profit, I wish to go upon record that I do not think it within the scope of this resolution; but we will give the committee no trouble on the question of cost.

Mr. STEVENS. And that the profit would go to your company solely. If these gentlemen prove by the production of their books and papers and contracts that a tremendously unjust and corrupt profit would accrue to you, could not we then compel——

Mr. LITTLETON. In the first place, I do not like to admit one statement that you make—that is, that in truth we have got any such profit. The facts are just the other way.

Mr. STEVENS. That is not a part of my contention; but suppose that was proved by a production of the books and papers?

Mr. LITTLETON. If they produced books to show that we have been making misrepresentations about profits, we would be anxious to demonstrate to the committee that we have not. We know that is not so. The cost of construction we do not care a thing about.

Mr. STEVENS. We understand that if Mr. Lake and Mr. Flint show their books and papers, and they show an excessive profit, we can use that as a basis of compelling yours.

Mr. LITTLETON. You make it as a basis for a request; we acknowledge no compulsion at all. In other words, we do not care about the question of cost one minute before this committee. You can have the cost of our boats; the cost of construction. We are fighting on the general question involved. We feel that it is our duty toward ourselves and to the committee, and to everybody else, not to yield too much to the dictates of rumor and suggestion and gossip. There must be some limitation to the point to which a private concern can be driven under the mere threat and fear of rumor. There

must be some point beyond which we must not let ourselves be driven, for the sake of our stockholders.

What is there about us that makes us a corrupt company? There has been thrown about us suspicion; men point their finger at us and say, "There goes the Electric Boat Company."

Mr. STEVENS. They have hired pretty good lawyers.

Mr. LITTLETON. Your suggestion is that they have hired lawyers. I would admit more than this. They have hired attorneys in Washington, in Michigan, and in Connecticut. But who says that Gordon did anything in his district? Does Mr. Loud say it; Gordon, Edinborough, or Lilley say it? Who says that Congressmen in Washington have done more than Mr. Thurston has done, or Neff? Mr. Thurston was once our counsel——

Mr. HOWARD. Have not the Lake Company in that regard flattered you by sincere imitation?

Mr. LITTLETON. I am not certain that they have not outdone us in point of ability. I must say, as somebody said on the committee, that Senator Thurston is a host. I thought that was only a pleasantry of the committee, but when I began to see the product of his hand following in first one way and then another, and that his private hall-mark was on almost all the papers here, I began to believe he was more than a host. I said to myself we may have a multitude of lawyers, but they have not done as much as one distinguished lawyer has done for the Lake Company.

Now, I want to close with one other suggestion. Mr. Kellogg, of Connecticut, I think he was one of the names mentioned. Frank Taylor, a clubmate and friend of Mr. Lilley, came down and requested him to vote. I think that is the only one.

We feel that we should not be compelled to put our books and papers on the table before the committee at the behest of rumors set on foot by propaganda for a rival boat company, and the only rival we have.

TESTIMONY OF ROYAL W. THOMPSON.

ROYAL W. THOMPSON, being first duly sworn, upon being examined, testified as follows:

By Mr. OLMSTED:

Q. Mr. Thompson, you live in Washington?—A. I am here during the session of Congress only.

Q. How long have you been in Washington?—A. I have been here during the sessions of Congress since November, 1897.

Q. Did you hear or have you read the testimony of Mr. Webster?—A. I have heard rumor that there was such testimony; I have not seen it or read it or had it read to me.

Q. Has anyone told it to you?—A. The first I knew—I suppose you refer to the testimony of Mr. Webster in which my name is used.

Q. Yes.—A. Yes; yesterday morning, I should say about 11 o'clock, possibly later, when the gentleman whose name was used in connection with mine in that testimony, which should not have been used there, came into his office—I refer now to Senator Bulkeley.

Q. I have not asked you to mention names.—A. I mention it because it was mentioned, as I understand, by Mr. Webster; otherwise I would not have mentioned it. He said, "Thompson, I under-

stand they got you," or words to that effect, "in the submarine investigation?" I said, "Is that so?" He said, "Yes; it was in the paper yesterday." I said, "I have not seen it." That was all that passed between us. Later in the day Mr. Webster called in the committee room, I suppose to pass the time of day; he appeared to have no other business. He said, "Well, I got you into the investigation," or words to that effect. I said, "Is that so?" He said, "In regard to that resolution." I said, "Is that so?" Nothing further was said between us in regard to the matter, and shortly Mr. Webster went out. A Connecticut newspaper man who calls at the office every day to gather such items of news that we might have in our office of interest to people reading the papers of Connecticut represented by himself and others, asked me in regard to the matter, and he told me about the matter, as I have heard before, that Mr. Webster had brought my name into the matter in regard to some resolution. Now what there is in that testimony I do not know any further.

Q. That is the extent of the conversation you had with Mr. Webster?—A. That is the extent of the conversation. Now, in regard to the matter, if my understanding of this testimony is correct, some, I should say, two or three weeks, possibly not as long, before the introduction of the resolution in the House in regard to this inquiry, or investigation, Mr. Webster called at my office in the Senate wing of the Capitol. He said, "Thompson, I am not very much experienced down here; I am new at this work, but I have been requested by Mr. Lilley to get up some resolutions. Now, I have a draft of some resolutions here. I do not know whether they are in proper form or not. I wish you would tell me whether they are." I looked at them and saw the purport of it and passed them back. I said, "I do not know anything about this, Mr. Webster, and I do not want to know anything about it." He said, "I want to know just simply as regards to the form." I took up one resolution, which was the first resolution, I understand, that has been produced here in regard to the investigation of the Electric Boat Company. It had a page or so of whereases. I said, "What do you expect to do with this resolution—simply introduce it for the effect it might have, or is this resolution to be introduced to be acted upon?" He said, "This resolution is to be introduced to be acted upon." I am quoting as best I can from memory. I said, "Cut out all of your whereases; just simply put in the resolution asking for this investigation. Cut out all of your whereases and do not give away any evidence you may have."

Now, in the resolution there was a reference, the wording I can not quote, but which in my estimation reflected in a manner, or might be construed to reflect, upon the members of the Committee on Naval Affairs of the House. I said: "I would cut that out." I sat down at my typewriter and on a piece of pad paper I struck off in rough draft the substance I had in mind, leaving out whereases and reference to the members of the committee and passed that to him. Then he had another resolution, which I hardly read through: I do not know whether I did. He said: "I do not know whether we will do anything with this resolution or not." I said: "If you do not expect to do much with it, but simply for the effect it might have on the public to have such a *resolution* introduced, I would leave your whereases in,

or as many whereases as you can in, if you are looking after anything of that character." That is all the conversation we had. Mr. Webster went from the committee room, and I saw nothing more of the resolutions until after they had been introduced in the House, which I should say was all of two weeks after that. My impression was that there had been a long delay in introducing the resolution he had in mind to introduce. When they were introduced, I procured copies of those resolutions in the document room, and I did not recognize any of my handiwork in the resolution. That is all, gentlemen, I know about this affair in any way, shape, or manner, except I wish to say there is no authority, there is no reason or no cause for the name of Senator Bulkeley to be drawn into this, as it has been in one or two instances, whatever, and probably the gentleman who testified Saturday did not intend that it should be so construed, but the ever diligent newspaper man is always looking for an opportunity to make big headings, and it looks very fine that Senator Bulkeley revised the resolutions. In regard to Senator Bulkeley, he knew nothing about Mr. Webster coming to me at that time. After this investigation had been on I did tell Mr. Bulkeley Mr. Webster had been over there, and told the whole circumstance. The matter had been so trivial in my mind before, and I assumed that the next thing I would be called before the committee, and, gentlemen, I am here.

Q. We are very much obliged to you. That is a very clear statement, but I am requested to ask one or two questions. What did Mr. Webster state was the object of the resolution, I mean now the first one he showed to you about investigating the Electric Boat Company?—A. Mr. Webster, so far as my recollection is concerned, did not state anything more than I have told you at present. I did not inquire into what evidence he had or expected to accomplish except as I stated before, I asked him "Do you expect this resolution to be a working resolution, a resolution that will be taken up and something done with it, or is it a resolution introduced simply for the effect it might have in that respect?" That is the only way that could come into consideration.

Q. You struck out that part of the resolution which seemed to reflect on the members of the Naval Committee?—A. It did not reflect directly, but it was by inference. I considered it an unhappy expression in regard to the members of the committee, but I will say that the result of his interview with me was not shown in the resolution as introduced in the House.

Q. Mr. Lilley's resolution was introduced on the 20th of February, 1908. Having that date in mind, about when do you say it was that Mr. Webster first called upon you?—A. As I say, it was before; I should think about a couple of weeks before that time. I know that there was considerable time elapsed between his calling. I made no note of it and would not have thought any more about it if this investigation had not gone on.

Q. Did he call more than once?—A. Never but once upon that subject.

Q. The other resolution which he introduced; did you recognize that as the one which Mr. Webster showed you?—A. That resolution he introduced in regard to the investigation of navy-yards, I believe it was. I do not know that I have even read the resolution. I can not now recall even what was in it, and I made no changes in that

resolution whatsoever, and simply suggested that if he did not expect to act upon it, simply for the effect, I should keep in all the whereases.

Q. You did not make any change whatever in the form?—A. No.

Q. Do you remember whether that was or not the resolution—the House resolution?—A. It did not show. It was simply on a blank piece of paper, simply the body of the resolution.

Q. It related to naval yards and naval stations?—A. I could not tell as to that. The other resolution I hardly read through. I do not know that I did read it through. It had some reference to naval yards, what I could not tell.

Q. Did he show you any resolution calling upon the Secretary of the Navy for information as to the cost of submarine vessels?—A. No sir; I never have seen such a resolution.

Q. I show you original resolution, House resolution 255, introduced by Mr. Lilley on Thursday, February 20, 1908, and ask you if you recognize that in any way as the paper which Mr. Webster showed you?—A. As I say, the paper which Mr. Webster showed me had nearly a full page of whereases to it. I think it ran over to the second sheet with some proviso. Further than that I could not say.

Q. Is that in its present form the report which you drafted for him?—A. That resolution that I saw is very much like what I suggested to Mr. Webster. As to just what was in my resolution that I drew hastily for him, the rough draft, I could not say. It was adopted from his resolution.

Q. That particular piece of paper, that is not your typewriting?—A. Not at all; we use the Elite type entirely, nothing but the Underwood machine.

Q. Can you not recall, having read this, in what particular, if any, it differed from the draft you prepared for him?—A. That does not appear to differ scarcely any, but that is not the resolution the printed copy of which I had on my desk over there, which I suppose was the resolution which he introduced.

Q. This is the one he introduced. It is fair to say to you that the resolution under which we are acting is different from this?—A. That may be the resolution I have in mind.

Q. I will show it to you. This resolution was House resolution 255; that is it, and we are acting under House resolution 288.—A. No; that, I think, must be the resolution.

Q. This resolution 255 you find substantially——A. That is substantialy what I had in mind when I drafted the resolution; as to the precise phraseology, of course I could not testify.

Q. As Mr. Webster had prepared his resolution, did it call for a select committee or did it contemplate that the Committee on Naval Affairs would make the investigation?—A. My understanding as I read the resolution is that he intended it to be a special investigation and the House was going to order it through the Committee on Naval Affairs——

Q. In the draft which you prepared did you so provide?—A As I say, I tried to adopt what he had in his resolution to cover the same ground, but what, to me, I thought was a little happier form.

Q. This original resolution, House resolution 255, you identify as substantially the draft which you prepared?—A. Covering in substance what I had. I could not identify the draft I had unless I had it in my own typewriting and I could swear it was done on my type-

writer. I gave it very little consideration. I was very busy at the time, and Mr. Webster was in the room I don't think over fifteen minutes all told.

Q. What is your place of residence, Mr. Thompson?—A. My legal residence is New Britain, Conn.

Q. Can you recall the day and the week upon which Mr. Webster called?—A. I could not give you any idea except that it was a week day.

Q. Can you recall the time of day?—A. It was in the middle or latter part of the afternoon, I should judge. I know it was the busiest time of the day for me, and that is the busiest time of the day, and I know, I think, that at that time when he interrupted me I was going over my mail, getting ready for the Senator's signature, and I usually do that along about 4 o'clock.

Q. This resolution was introduced the 20th of February, and you think that would be about two weeks earlier—that would be Thursday?—A. It may be. I know that Mr. Webster stated that Mr. Lilley was out of the town at the time, and asked him to prepare this resolution or to have some matter in shape for him when he returned.

Q. How long previously had you heard anything about the proposed investigation?—A. Never heard of it before that, except some newspaper accounts I saw during the summer or fall, and that was in regard to some remarks Representative Lilley had made at some function or interview he had given to the newspaper which related not to the Electric Boat Company so much, but did to some naval yard investigation or something of that sort.

Q. I mean particularly with reference to the Electric Boat Company.—A. This was the first I heard of it, when Mr. Webster came into the committee room at that time.

Q. Did Mr. Webster subsequently call upon you with reference to that?—A. He never called in my committee room in relation to that matter either before or subsequent to that time until, as I say, he dropped in casually and made reference to the fact that my name was brought into the matter last Saturday.

Q. How long have you known Mr. Webster?—A. Never met Mr. Webster until he came down here this session of Congress with Mr. Lilley, and it was shortly after the convening of Congress Mr. Lilley brought him over to the committee room and introduced him.

Q. How frequently have you called upon him since that introduction?—A. I do not suppose I met Mr. Webster a half a dozen times all told. I was over in this building once before, it was after this investigation commenced, to call upon another Member here, and dropped in to Mr. Lilley's room to pass the time of day with Mr. Webster.

Q. What conversation have you had with Mr. Lilley upon the subject?—A. I never have had any conversation with him upon the subject.

By Mr. STEVENS:

Q. Did you talk with any newspaper man about this, Mr. Thompson?—A. About this investigation?

Q. Yes; about the time Mr. Webster went to your office first.—A. Never; no, sir. I have not talked with any newspaper man about this matter, except since the investigation was started, and our news-

paper men, necessarily coming to our office every day, came in, I asked them, "How is the investigation progressing?"

Q. I am speaking of the time when Mr. Webster went to you. Did Mr. Webster ask you to keep this matter confidential?—A. He did not say so, but I have been here long enough, Mr. Stevens, to understand what is naturally required of a person in my position and expected of him, and I would not, when I was consulted in a matter of that sort, think of abusing the confidence that had been placed in me. Mr. Webster came to me, as I have stated, at that time as a man who had been asked to perform a task, and he was unfamiliar with it and knew not how to do it, and I suppose from the feeling that I had been here several years that I might give him advice and assistance, and he came there simply in that attitude, and I tried to render the assistance in that attitude, the same as I would to anyone else who came to me in the same manner he did.

Q. In commenting on that resolution did he narrate to you the facts that they had at hand and expected to prove?—A. He did not. I told him I did not want to know anything about that. When I handed back the resolution, I said: "I do not know anything about this and I do not want to know anything about it."

Q. Did he name any Members of Congress who might be involved?—A. He did not, by inference or otherwise.

Q. And did he name any newspapers or newspaper men who might be involved?—A. He did not, by inference or otherwise.

Q. So that you never mentioned this to anybody until after the resolution was introduced?—A. Then I never mentioned this matter of my connection with this to anyone except, as I say, to Senator Bulkeley, as I would naturally with respect to the relation I hold to him. After the investigation had gone on and people called in regard to this matter I mentioned it to Senator Bulkeley, and that is the only person.

Q. Did you mention it to the Senator before the resolution was introduced?—A. No, sir; I did not, and not until after some newspaper man had said something about some expert on typewriting that had come here, and I made the remark to the Senator in that connection: "Perhaps I might be called in in connection with the work done on my own typewriter."

Q. Did the Senator mention it to you before the resolution was introduced?—A. He did not.

Q. Did he mention it to you at the time his name was referred to in connection with your knowledge of the affair?—A. He did shortly after that. He offered to come here before the committee, and telephoned here, and later came over here himself personally and offered to appear before the committee. Later he received a telegram denying absolutely the matter in which his name was brought in. He dictated a letter to me, which I wrote, inclosing the telegram to the chairman of this committee. I know of that matter; further than that I do not know anything.

By Mr. OLMSTED:

Q. You feel very confident that between the 6th of February and the 20th of February this matter was not mentioned by you to anybody?—A. It was not mentioned by me; no, sir.

The CHAIRMAN. Does anybody know when Admiral Bowles will be here?

Mr. LITTLETON. He is expected, Mr. Chairman, to-morrow morning. We sent two telegrams immediately on the Chair announcing they wished to have him here, although he scarcely is within our jurisdiction. We undertook to get him here. His residence is in Boston. We understood the telegram went to Boston, and we got no reply. We sent another to a place which he not infrequently goes to Saturday and Sunday, and Mr. Spear, who knows him intimately and who has taken the task of getting him here, advises me he expected him here to-morrow morning unless the telegram has missed connection, which I scarcely think it has. I think the committee may rely upon the fact that Admiral Bowles will be here to-morrow morning.

The CHAIRMAN. The committee will take a recess until to-morrow morning at 10.30 o'clock.

HOUSE OF REPRESENTATIVES,
Tuesday, April 28, 1908.

MORNING SESSION.

The committee met at 10 o'clock a. m.
All members of the committee were present.

TESTIMONY OF BENJAMIN WEBSTER—Recalled.

BENJAMIN WEBSTER, being recalled, on being examined, testified as follows:

The CHAIRMAN. Mr. Olmsted, will you ask Mr. Webster a few questions?

By Mr. OLMSTED:

Q. You have been sworn?—A. Yes, sir.

Q. And you have testified that you have authority, or perhaps, Mr. Lilley testified that you had authority, to sign his name. Am I correct in that?—A. Yes, sir.

Q. How do you usually sign it? Do you sign it just with Mr. Lilley's name, or do you say "per Webster" or "per W.?"—A. I usually make a little mark after his name.

Q. What kind of a mark?—A. A sort of a little hook after his name.

Q. Do you connect it with the name as part of it or separate?—A. Right a little after the name, about one-eighth of an inch.

Q. That is to indicate to him or you, if you ever have occasion to look at it, that it was signed by yourself?—A. Yes, sir.

Q. In signing his name to communications do you always sign it that way—that is, his name—and then a little hook after it?—A. I generally do unless——

Q. Do not you generally sign it "per Webster" or "per W" or something of that kind?—A. I do at times.

Q. At times do you sign it "per Webster" or "per W?"—A. It is just occasionally, as occasion arises.

Q. Is there any line of demarcation between the occasions when you sign it one way and when you sign it another?—A. Any of the Department letters I probably just sign in imitation of the frank.

Q. Other letters you would sign "per Webster" or "per W?"—A. No; other letters I would sign in the same way; general letters I would sign that way.

Q. Which way?—A. In imitation of the frank.

Q. In general correspondence which way do you sign it?—A. Usually in imitation of the frank.

Q. Why do you at any time sign it "by Webster" if you do so sign it that way? Which way do you sign it, "per Webster" or "per W?"—A. "Webster" or "B. W." If I am writing to Mr. Lilley's brother, I sign it "B. W." to indicate that I wrote it.

Q. In general correspondence suppose that old man Smith writes about his pension, how would you sign that?—A. Usually like the frank.

Q. In imitation of his signature?—A. Yes, sir.

Q. And usually without a hook?—A. Usually with a hook. I may have omitted it at times, but it is purely accidental if I do. I usually put the hook after it.

Q. In writing to his brother you use "per W?"—A. "B. W." or "Webster."

Q. Your initials?—A. Yes, sir.

Q. When a letter is dictated to you by Mr. Lilley and you sign it, how do you indicate that?—A. Why usually to his brother I usually sign "B. W."

Q. And to some one else?—A. Both ways. I do not have any regular way. I may sign one one way and the other the other way, but all Department letters with the hook, in imitation of the frank, and letters of the same nature.

Q. You testified that you signed a letter addressed by Mr. Lilley to Mr. Goff?—A. Yes, sir.

Q. How did you sign that?—A. In imitation of his frank, with the hook, as I remember.

Q. Do you happen to have any papers in your pocket, or copies of anything which you have signed in either way?—A. Not in my pocket; no, sir.

Q. What kind of a mark is that hook—how much of a hook do you use?—A. It is about one thirty-second of an inch. It runs from the left up to the right.

Q. Just make an imitation there upon a paper, so that we can get an idea of what the hook is.—A. (After writing on paper.) I have made two there, one I think being flowed too freely.

Q. They are not at all alike. Just sign his name, with the hook, and then we will get an idea of it.

(Witness writes name "Geo. L. Lilley.")

Q. Do you ever sign his name in quite a different style from that?—A. When I sign my own name I just write my ordinary hand, with my initials.

Q. Will you show us how you sign it?

(Witness writes a second time on the same paper, "Geo. L. Lilley" with a "B. W." underneath.)

Q. Do you ever sign "Geo. L. Lilley, Webster?"—A. "Webster" or "B. W." I believe the chairman has a letter signed by me "George L. Lilley, Webster."

Q. (Showing witness letter.) Is this the letter, dated April 12, *1908?—A. Yes, sir;* that is the one.

Q. This is a letter to Hon. H. S. Boutell, chairman select committee, House of Representatives, Washington, D. C.: "My Dear Sir: Replying to your kind favor of the 11th would say that I left the entire set of questions with the committee. Respectfully, Geo. L. Lilley," and under the "Lilley" is written "Webster." Over at the left, "April 12, 1908, dic. not read," being for "dictated?"—A. Yes, sir.

Q. Why did you adopt a different style from that one from which you usually signed?—A. I do not know that I had any special reason, unless that Mr. Lilley always submitted everything to this committee over his own signature, to my knowledge.

Q. Did you sign any of the lists of questions or communications which usually came to this committee addressed to Mr. Chairman, "The committee desire the following questions to be put to witnesses," and signed at the bottom, "George L. Lilley;" did you sign any of them?—A. I am quite positive I did not. I am not certain about the earlier letters, but I am pretty sure signed everything.

Q. Then you did sometimes write after the style of Mr. Lilley's writing?—A. Yes, sir.

Q. Would you write something now if I would dictate it to you?—A. I don't know. I never wrote on any words. I just copied the frank; that is all I am familiar with.

Q. Would you object to trying it?—A. No, sir.

Q. Suppose you take this letter: "To the Hon. George L. Lilley, House of Representatives. My Dear Sir: From deliberate motives of pure disinterestedness I beg to say that all American citizens are indignant at all forms of corruption. The Electric Boat Company, whose president, Isaac L. Rice, has never had a South American in his employ.

"The lobby crowds out all others.

"In times past various Congressmen from New York and Virginia have entertained the same sentiments.

"Popular sentiment is against offering bribes to certain officials. Very truly, yours, George E. Lilley."

(The witness here writes as directed, and the paper is handed to the committee.)

Q. Is this in your own usual style or after the fashion of Representative Lilley's style of handwriting?—A. I do not know as it has been written in either, but I have endeavored to make it like Mr. Lilley's.

Q. Will you write the matter in your own handwriting, in the style in which you usually write?

(The witness writes as directed.)

Q. Will you sign that just as this letter of April 12, 1908, to Mr. Boutell is signed and under that sign you own name?—A. You gave me "George E. Lilley."

Q. Sign it just as it is there. Your natural hand is rather a backhand?—A. Yes, sir.

Q. You usually write with what kind of a pen?—A. I usually write with a medium stub pen. This is a different pen from what I usually sign his name with.

Q. What kind of a pen is that you have written his name with?—A. This is a gold fountain pen and spreads more.

Q. I hand you a little slip of paper on which is typewritten the word "sincerely" and then follows a signature. I ask you if you know that signature or have ever seen it before?—A. I can not place it.

Q. You do not remember to have seen that signature before?—A. No, sir.

Q. Then, of course, it was not written by you?—A. No, sir; it was not written by me.

Q. Now, in the letter which you have testified you wrote to Mr. Edinborough, which of these two styles of handwriting did you use?—A. The sheet upon which my name is signed there.

Q. The one which is written backhanded?—A. Yes, sir. If you will bring me a medium stub, I can probably show you the way I usually write.

(The witness was here furnished with a steel stub pen, with which he wrote.)

Q. Write it as you signed it to the Goff letter.—A. That is what I have endeavored to do.

Q. If we are unable to distinguish any hook after a signature "George L. Lilley" on the letter to Mr. Goff, would you still be as confident that you signed it?—A. Yes, sir.

Q. Hook or no hook, you are very confident that you signed that letter?—A. Yes, sir.

Q. What causes the fact to impress itself so upon your mind?—A. I have seen the signature. I looked it up in the letter book after it was published.

Q. Didn't you know before you looked it up that you had sighed it?—A. Yes; but I had heard it mentioned and I had not seen it published, and I looked that letter up to read it over.

Q. Have you seen this sheet, apparently from a letter book, page 458?—A. That was the one I was just referring to.

Q. Was that impression taken from the original on the 23d of March, 1908?—A. It was undoubtedly taken from the original. I tore it out.

Q. At the date the original was written?—A. Yes, sir.

Q. This impression was taken from the original before it was mailed to Mr. Goff?—A. Yes, sir.

Q. Has there anything that has occured this morning, or since you testified the other day, refreshed your memory more particularly as to the date when these anonymous communications were received by Mr. Lilley or opened by you for him?—A. Mrs. Lilley remarked that one of them had been taken form the box; that it was received at the hotel. She remembered having taken it.

Q. Which one of them was it?—A. I do not remember that she mentioned, but she said she had taken an anonymous letter from the box.

Q. Do you mean Mr. Lilley's box at the hotel?—A. Yes, sir.

Q. When did she take it from the box?—A. She did not remember. She remembered having taken it.

Q. How was that one signed that she took from the box?—A. She did not say.

Q. Was it with a pen or a typewriter?—A. She did not say.

Q. How long ago?—A. That is all she mentioned. She just happened to mention it to me.

Q. Do you remember anything about the letter received from Mr. Goff?—A. I remember picking it out; I did not look at it carefully.

Q. You wrote an answer to it. Did the letter elicit such an answer as you wrote? Was your communication in response to that letter?—A. I could not state without reading the contents of the letter again.

Q. I will read it to you. "Office of the Easthampton Bell Company, manufacturers of toys and bells of every description, wheels and axles, Easthampton, Conn., March 20, 1908. Mr. George L. Lilley, Washington, D. C. Dear Sir: I congratulate you, being a citizen of Connecticut, on your success and hope you may be able to prove to all the world what frauds those men are. Yours, very truly, George W. Goff." What men did you assume to be referred to in that communication?—A. The Electric Boat people.

Q. Who or what suggested you to write such a letter as you did write or as you say you wrote and signed Mr. Lilley's name to—such a letter as you did write to Mr. Goff?—A. Why, it was the impression I had at the time. He said, "I hope you will be able to prove to the world what frauds the rascals are."

Q. What other suggestion had you from any source?—A. In reference to whitewashing. I had been reading the newspaper clippings as they came in.

Q. Who had suggested to you the form of reply you should make to Mr. Goff?—A. I wrote the letter on my own initiative entirely. I always answered the letters without——

Q. With whom had you any conversation about it before writing it?—A. Mr. O'Brien had been in that day, and I don't know that I had mentioned it to him that I was going to write Mr. Goff.

Q. Did you show him Mr. Goff's letter?—A. I don't think so.

Q. Did you show him your reply to Mr. Goff?—A. I have no recollection of having done so.

Q. Did he suggest a form of reply to Mr. Goff?—A. No, sir.

Q. Who did?—A. No one except myself. Mr. Lilley was very busy at the time, and I went ahead and wrote the letter.

TESTIMONY OF FRED N. WEBBER, SR.

FRED N. WEBBER, Sr., on being first duly sworn, testified as follows:

The CHAIRMAN. Mr. Olmsted, will you examine the witness?

By Mr. OLMSTED:

Q. Where do you live?—A. My voting residence is Louisville, Ky. My Washington residence is 526 Third street.

Q. What is your occupation?—A. Special officer of the House and Senate.

Q. What are your duties?—A. Detective officer at the Capitol building and the serving of subpœnas for the Senate.

Q. Have you heard anything of the employment of detectives or the appearance or presence of detectives about the Capitol for the purpose of shadowing Members of the House of Representatives or any Member of the House of Representatives?—A. Very soon after the announcement in the press of the proposed investigation by Mr. Lilley—I do not remember whether it was one of the original resolutions he introduced or the last one, 288, but it was the latter

part of February—Mr. Spencer, the sergeant of police came to the office and called my attention to the fact that there were three men engaged by some private detective agency in shadowing Hon. George L. Lilley, a Member of the House. I proceeded on the usual plan to investigate, in connection with Mr. Barnett, who is my partner for the last year, and we found that these men were reported to have been standing in the front of the north door of the House, the main entrance, where the Members receive cards from visitors. Mr. Barnard and I had been against the wall the larger part of that day watching two fellows engaged in trying to borrow money from some Member of Congress, for the purpose of arresting them. There was a man standing near to us watching, nearly the whole day, that I recognized as a discharged employee of the Metropolitan police. At that time I did not know his name, but acting upon suggestions as to finding who these detectives were, myself and Mr. Barnard, being the only two men in front of that door, and the information has been furnished to Mr. Lilley and to Mr. Spencer, as I was informed, by one of Mr. Lilley's employees who is a doorkeeper on that door, a young man with rosy cheeks, I have heard his name but I do not recall it now, I think it is Maul or Maus or something like that—he is over there yet—I found that this man who had been there all day was a discharged employee of the Metropolitan police by the name of McSpeiden.

I sent Mr. Barnard to the ninth precinct, and found he had been formerly employed in the second precinct. Mr. Barnard went to the second precinct and got Speiden's address and came back and reported to me that Speiden's business was ostensibly trying to find some Member of Congress to whom he could appeal to have himself reinstated on the Metropolitan police force. Barnard and myself took occasion for the following week to shadow everything that looked suspicious in reference to persons appearing any particular length of time around the Capitol. At that time it was just as the proposed new police were being put on, the 15 additional men for the House Office Building. They had no uniforms, and the firm of S. M. Meyer & Co. were preparing the uniforms, and it generally takes two or three weeks to furnish an entire uniform, they having to go to New York for manufacture, and these men were engaged in their duties in this building in their citizen's clothing. Lieut. John O'Connell, of the relief, came to my office, and I said, "John, I would like to have you tell me if you know of any persons that are engaged in watching Hon. George Lilley's room," I think I called it 119 or 149, or whatever it was, and he laughed and he said, "Yes, there are two of my men in citizen's clothes." And he said Mr. Lilley came out of the office the other evening and a man was sitting at the end of the corridor, toward the elevator, and Mr. Lilley dropped a letter, and the officer reported to him that he picked up the letter and carried it to Mr. Lilley, and Mr. Lilley asked him who he was and what he was doing there, and he said, "I am on the police employ here." "Now," he said, "Fred, there has been no shadowing over there. I have been paying particular attention to see if there was, as it was stated in the newspapers," and then he was very emphatic—he was an Irish gentleman and talks rough—he says, "It is a damned lie. There ain't anybody hunting around there at all." I had occasion to watch the north door of the House and the Representatives

press door to see if any of the Bradford Detective Agency men from the city—the newspapers mentioned them—were being engaged in this work, and none of Bradford's men were around the Capitol door or any other place. If they had been I would have called him up, by phone to tell me, as under the agreement entered into nothing of that kind is allowed. They must first come to our office and state their business to us, and besides it is not permissible to serve any process, or to allow any Member of Congress to be shadowed in that building by detective agencies, without first coming to the police headquarters and making their mission known. None of Major Sylvester's men ever come to the Capitol on any business without first coming to me and stating what they want and having me go with them. There was no detective agency in this city, or any suspicious act of any man around the doors of the House of Representatives during the entire time Mr. Lilley was said to have been shadowed, nor in the Office Building. Mr. Spencer came to me and related a story of two men that had attempted to follow Mr. Lilley. I remarked to him, "Tom, I have seen children play with fire and get their fingers burned, and if I were you I would let things alone that do not concern me. You are not an officer in the House Office Building, and if I were you I wouldn't interfere." Beyond that I know of no detective officers of any character that have been engaged in shadowing Mr. Lilley in this building nor the Capitol building, and I have paid particular attention to it for twelve days, consulting with Colonel Casson, the Sergeant-at-Arms, as to the propriety of paying any attention to newspaper reports.

I have had occasion before to call Pinkerton's men down. Some of the Members will remember Mr. Van Dusen, where they attempted to arrest Mr. Van Dusen, but I would not let them serve any process.

Q. Did any detective agency or detective people have permission to shadow Mr. Lilley?—A. No, sir. Mr. Bradford, whose name I have mentioned, has had an agreement between him and myself for years that whenever he has anything that he wishes assistance on he comes directly to me and states his business.

Q. Were those ununiformed officers about this building engaged in shadowing Mr. Lilley?—A. They were so absolutely green in their duties they didn't even know the entrances of this building; and if you would ask them where your room was, they could not have told you. They had only been brought here a few days, and they were absolutely new, so much so that I have myself inquired to find the room in this building and would have to take out my little book and inquire the way, and those men were new men, brought from different sections of the country.

Q. Did they have any directions or authority to shadow Mr. Lilley?—A. No, sir; they had better not have any such directions. They would walk out if they did.

Q. Have you ever learned the police force have been shadowing a Member of Congress?—A. No, sir; he would not stay very long after it was found out.

Q. I will read you a statement made by Mr. Lilley when he appeared before this committee on the 9th of March: "Another statement I would like to make: It becomes necessary for me to bring to *the attention* of your committee the fact that I am being shadowed *by detectives,* which is a condition which should not be tolerated by

the House of Representatives or by this special committee." We agreed with that proposition, and I wish to ask you this question as to the facts, whether there was any such shadowing?—A. Absolutely none. I have been since the 6th of February, 1882, in Uncle Sam's service, the best part of that time special agent of the Government in the Interior Department and in the field, and for ten years stationed at the Capitol, and there is not a man connected with the Metropolitan service, Bradford's Agency, or old man McElfresh, who has a little detective agency here, that I am not personally acquainted with. The law requires a detective agency here to enter into a bond of $10,000 before they can have permission to do business as a private detective agency. Consequently there are only two who comply with the law, and none others are allowed to do business. I am also special detective officer commissioned and sworn by the Metropolitan police, so that I am fairly confident of my statement. I have that badge as well as the United States Capitol badge, which I am compelled to wear at all times.

Q. Then are you or are you not quite familiar with the detectives who operate in this city?—A. I am.

Q. Might there not have been detectives here from New York City or Baltimore or Philadelphia?—A. There might have been persons wandering around whom we would not have any occasion to know, but our men are instructed that a person who hangs around any particular point any length of time that the officer on that post, as we call it, must call the attention of the guardroom by telephone, and they immediately communicate with me at my desk, and if I am not there the clerk of the police, Mr. White, goes right out and finds me, and I go to that point and examine into the character of the man who is hanging around and looking wise.

Q. Then you did, with the men at your disposal, spend some eight or ten days looking?—A. Twelve days we were engaged in it for our own benefit, taking the newspaper statement as the truth or falsity of these charges, for the protection of our force. The Sergeant-at-Arms of the House will not allow anything of that kind to be done, and they hold the officer on the post responsible if he allows a man to lounge around anywhere and inquire into the private affairs of Congressmen.

Q. Then you are quite positive there were no detectives shadowing a Member of the House of Representatives?—A. I am. We spent evenings and days around the Capitol; we came up at night to see if such things were going on.

TESTIMONY OF ARTHUR L. BATES.

ARTHUR L. BATES, being duly sworn, on being examined, testified as follows:

The CHAIRMAN. Mr. Olmsted, will you ask the questions of Representative Bates?

By Mr. OLMSTED:

Q. You are a Member of Congress from Pennsylvania?—A. I am.

Q. A member of the Committee on Naval Affairs?—A. I am.

Q. Of course you know Representative Lilley, of Connecticut, who is also a member of the same committee?—A. Very well.

Q. Will you state if at any time prior to February 20, 1908, the date of the introduction of a resolution by Mr. Lilley for the investigation of the Electric Boat Company, you had any conversation with him upon the subject of any investigation or of a resolution to provide for an investigation?—A. I think the day before he introduced the resolution I went down into the House restaurant for lunch, and he was sitting at a table with a Member, I think Representative Dawson, of Iowa, who is also a member of the committee. He called me over and handed me a paper and said, "See what I am going to introduce in the House." It was his resolution, the first I had ever seen or heard of it. I looked it over, made no comment, and handed it back to him.

Q. Did you have any further conversation with him at that time?—A. No.

Q. Did he make any further remark?—A. I think not. There was no extended conversation at that time. He merely seemed to wish me to know what he was going to do, or what he had in mind doing. I do not know that he said positively he was going to introduce it, but he had it to introduce and showed it to me.

Q. Did he state any reasons for introducing it?—A. No, sir; not at that time.

Q. When next did you have any conversation with him upon the subject?—A. A day or two afterwards, and after he had introduced the resolution, Mr. Lilley and I were walking through the corridor of the Capitol, I think from the Naval Committee room, to the House, and he was finding fault with the action of the committee in adopting the Loudenslager resolution, as we called it—the resolution on the matter of submarines—feeling it was unfair and shut out competition and it was patronizing one boat, and he was complaining quite bitterly about it, and he said, "Of course, if the committee sees fit to change it before the bill comes up in the House, then I can withdraw my resolution."

Q. What further was said upon that subject?—A. I recall no other conversation. I made no reply to it. I did not converse with him further on the subject.

Q. What conversation, if any, have you had with him since upon this subject?—A. I do not recall any extended conversation.

Q. Did you hear Representative Foss testify before this committee?—A. No; I did not.

Q. You were present at the time the provisions relating to an increase was voted on in the Committee on Naval Affairs, were you not?—A. I was.

Q. Will you state whether or not at that time or in any of the discussions of the committee the question of battle ships and the question of submarines were discussed together; so that one depended in any way upon the other?—A. Absolutely not. Not in my mind, and, so far as one man can know the mind of another, they did not have the slightest relation to each other in the consideration of the committee as a committee. They did not have the slightest relation to each other in the matter of determining how many we would recommend in the bill of one and how many we would recommend of the other. They came up at different hours. The battle-ship proposition was brought up on one day, and on account of the extended remarks of Brother Hobson on the subject—he had some remarks to make on *the subject*—we adjourned over to another meeting, so that that

was pending from one time to another. The submarine question came up on a succeeding day, after we had voted on battle ships, and had no connection, so far as I am able to know the mind of another—I do ton think it had in the mind of a single member of the committee. The fact of voting for a certain number of one vessel did not depend on the number of another.

Q. The battle-ship proposition was first voted on?—A. Yes.

Q. And the end of the discussion of the battle-ship proposition was not any discussion of the number of submarines?—A. It was hardly mentioned. I think at one time or another practically every member of the committee voted for eight submarines. The number of submarines was not discussed. For instance, one resolution was offered——

Q. No; I mean at the time you were discussing the number of battle ships?—A. Oh, during the discussion of the number of battle ships no submarines were referred to in any manner, shape, or form. It was not thought of. I will say further, if you will allow me, that there were three things before the committee in making up the number of submarines we ordered. One was the former recommendation of the Secretary and President, and the other was information that had come before the committee a few days before from the Secretary of the Navy that they had decided to send two submarines to Manila. The other was a letter from the Secretary of the Navy a few days before that, I think dated January 31, to the Senate in response to a resolution of inquiry of Senator Ankeny, of Washington, directing that an appropriation be made for the construction of boats for special use on the Washington coast and Puget Sound. Those three things were in the minds of the committee in arriving at the number of eight as over four, which had been recommended last November in the Secretary's annual report.

TESTIMONY OF HON. JAMES S. SHERMAN, A MEMBER.

JAMES S. SHERMAN, being first duly sworn, on being examined, testified as follows:

The CHAIRMAN. Mr. Stevens, will you examine Mr. Sherman?

By Mr. STEVENS:

Q. What is your name?—A. James S. Sherman.

Q. What is your occupation?—A. I am a lawyer and banker and manufacturer and Member of the House of Representatives.

Q. Are you acquainted with Representative George L. Lilley, of Connecticut?—A. I am.

Q. Did you have any conversation with him relative to submarine legislation and the introduction of any resolution?—A. He had with me.

Q. Tell us what it was.—A. A few days before Mr. Lilley introduced his resolution he called me into the Republican coat room and showed me a resolution which he said he proposed to introduce. Whether it is identical with the one he did introduce of course I can not now say. I read it and I can only give the substance of the conversation. He said in substance that such a resolution would stir up a muss, and I intimated that I thought so, too, and he said in substance that if the action of the committee could be moved so

that the competition for submarine boats could be open to other competitors that he would not introduce the resolution, and he asked me to see some member of the Naval Committee, with the hope that seeing such member might possibly induce the committee to change its action.

Q. Did you tell him at that time that you would do that?—A. I told him I would not; that the Navy Committee were supposedly conversant with the whole subject, and that I was not, and that I did not propose to approach them on a matter that they knew about and that I did not.

Q. Did he say anything further to you?—A. That is the substance of the whole thing.

Q. Was the resolution in typewriting then?—A. I think it was in typewriting, but I could not swear to that. The purport of the resolution was the same as that which he afterwards introduced.

Q. You are a member of the Committee on Rules?—A. Yes, sir.

Q. And you saw the resolution after it was introduced?—A. Yes, sir.

Q. You think it was substantially the same resolution which afterwards came before you as a member of the Committee on Rules?—A. It was substantially the same.

Q. And that is all the conversation you had with him upon that subject before the introduction of the resolution?—A. I think so.

Q. Did you ever have any conversation with him, after the introduction of the resolution, concerning the same subject?—A. No, sir.

By Mr. OLMSTED:

Q. Did he say anything about giving any other company a chance?—A. That is what he said. He mentioned no other company, but he said that if the action of the committee should be so changed as to make it possible for other companies to enter into competition and build boats that then he would not offer the resolution.

The CHAIRMAN. Is there any other member of the committee or of the House of Representatives who desires to ask Representative Sherman any question?

We are very much obliged to you, Mr. Sherman.

TESTIMONY OF HON. LEMUEL P. PADGETT, A MEMBER.

LEMUEL P. PADGETT, being first duly sworn, on being examined, testified as follows:

The CHAIRMAN. Mr. Howard, will you examine Mr. Padgett?

By Mr. HOWARD:

Q. You are a Member of Congress?—A. Yes, sir.

Q. From what State?—A. Tennessee.

Q. And a member of what committee?—A. Navy Committee, and Committee on Expenditures in the Navy Department.

Q. How long have you been a member of the Navy Committee?—A. It is my second term in that committee.

Q. Did you attend meetings of the committee during this session of Congress while deliberating on the naval appropriation bill?—A. I think I have, all of them except one that was held on Saturday *preceding* the time that the vote was taken on the increase in the *Navy*. The day mentioned by Mr. Bates when Mr. Hobson consumed

the time presenting to the committee his views with reference to the naval increase.

Q. You were absent on that occasion?—A. Yes, sir.

Q. As a matter of fact, then, Hobson did not consume any of your time?—A. No; except as I might theoretically be in the committee.

Q. He consumed your theoretical time but not your particular time?—A. I was not present that day.

Q. Were you present when the provision respecting battle ships and submarines was acted upon?—A. I was.

Q. Do you remember in what form these different propositions were passed on by the committee?—A. The first question disposed of was the question of the increase of the Navy with relation to battle ships. Then, I think next came the number of torpedo boats. The bill would indicate which we took up just in the order in which they are mentioned in the bill. And then came a question of the submarines. That was a resolution introduced by Mr. Loudenslager.

Q. So that was the third one?—A. That is my recollection now.

Q. Have you any recollection of having proposed any amendment to the submarine proposition?—A. Yes, sir.

Q. As presented by Mr. Loudenslager?—A. When Mr. Loudenslager presented his resolution, which was the proposition as contained in the bill reported, I moved to strike out the proviso.

Q. What particular thing did the proviso seek to accomplish?—A. It was a provision that was a limitation upon the purchase of the boats.

Q. On the discretion of the Secretary of the Navy?—A. Yes, sir; the exact language is reported in the bill, and was stricken out in the House.

Q. You proposed an amendment that struck out that proviso?—A. Yes; striking out, from the word "*Provided*," the remainder of the provision.

Q. Did your motion prevail?—A. It did not.

Q. Who voted with you for the motion?—A. I do not remember just now. There was a record vote taken that the secretary can furnish to the committee.

Q. Have you examined the record?—A. I have not. There was a record vote.

Q. The minutes of the committee are here and have been made a part of this record?—A. I remember some that voted, but you make just a few and perhaps eliminate others; it would perhaps be better to get the record.

Q. Do you remember whether or not Mr. Lilley voted as you did on that proposition?—A. I do not, affirmatively.

Q. Can you state as respecting yourself, whether your vote for or against any given number of submarines was in any wise relating to your vote on the question of battle ships or on any number of battle ships?—A. None whatever; it had no relation whatever; in fact, it did not occur to me. I had no suspicion or thought that one was related to the other or had any dependence one upon the other.

Q. When voting for battle ships or any number of battle ships did you reach your decision as to how you would vote with reference to any given number of submarines?—A. The battle-ship proposition was disposed of before we reached submarines, and up to that time *I had not any thought* that a motion would be made for eight. The *Secretary had* recommended four, and it never had occurred to me

that there would be a motion for eight, so that I was entirely ignorant of the eight supposition.

Q. Your vote, then, for the battle ships in that bill had no relation whatever to any number of submarines?—A. None whatever.

Q. And your vote for submarines had no relation whatever to any given number of battle ships?—A. I did not vote for any submarine.

Q. You voted against submarines?—A. I did, but I might explain, and to be entirely frank, when I made the motion to strike out the proviso, that was voted down, and Mr. Mudd offered a substitute for which I voted, and that I might be said to have voted for incidentally. That was a substitute in lieu of the Loudenslager resolution, leaving out the limitations. I voted for that substitute. Then that was voted down. Then the Loudenslager resolution came up, and I voted against that resolution because the committee had refused to strike out the proviso. But I want to be entirely frank, and I would have voted for the eight submarines if the proviso had been stricken out. And if the proposition had been four, I would have voted for that. I was utterly indifferent whether it was four or eight so far as the number was concerned, knowing that we needed a number of submarines and that we were deficient along that line.

Q. Now, then, did you hear any discussion in the committee, or on the part of any member of it, that connected the proposition of battle ships and submarines, making the one dependent in any manner on the other?—A. None whatever, except the Secretary of the Navy; you will find int he hearings some member asked him when he was before the committee if his proposition that was submitted with reference to the four battle ships and the other programme, if one depended upon the other and if that portion of the programme subsequent to the battle ships was framed with reference to the number of battle ships recommended—four—and he said none whatever, that they were independent, one of the other. That is the only suggestion I ever heard with reference to it and the only mention, and that appears in the printed hearings. I suppose it is in the hearings. I have not examined the hearings, but I suppose that was in the hearings.

Q. That was a question by a member of the committee addressed to the Secretary of the Navy while he appeared before it, and he said there was no such thing in his estimates?—A. He did.

Q. Now, then, in any private conversation with any member of the Naval Committee before the provisions were acted upon, did you hear any suggestion that such a consideration would affect or control the vote?—A. I have never had any such conversation and never heard any such conversation between anybody else.

Q. If, then, any member of the Naval Committee represented to the President that the battle-ship programme was being fought in the Naval Committee by the torpedo submarine programme, do you have any knowledge of that fact?—A. I do not. I never heard of anything of the kind; know nothing of it. The matter had never occurred to me.

Q. How did the committee reach the number of submarines that were classed in the provision of the naval bill—eight?—A. When we came to the question of submarines, going down the programme as *submitted*, Mr. Loudenslager offered a resolution——

Q. I am asking how did you reach the number eight? You said the Secretary recommended four. What is the discussion that led to the

figure eight instead of the four recommended by the Secretary of the Navy?—A. I was just going to tell you that specific question. After we had disposed of the battle-ship proposition and fixed the number at two, and then we voted the torpedo boats, then Mr. Loudenslager offered a resolution for the purchase of eight submarines, and when that was done I made a motion to strike out the proviso.

Q. I understand that part.—A. When that was voted down, Mr. Mudd offered a substitute, and that was voted down, and then the vote came on Mr. Loudenslager's resolution, which was adopted and inserted in the bill.

Q. What was the argument used to provide for eight submarines?—A. There was very little argument on the question, as far as the eight were concerned. I do not think there was any discussion on the number; I do not remember any. The whole discussion was on the proviso contained in the—by proviso I mean that portion that appeared in the bill beginning with the word "provided"—and the whole discussion in the committee was over that, and I do not recall that anybody offered the question of eight or more.

Q. All of the members, then, of the committee seem to have made up their minds as soon as that item was reached in the naval bill that eight submarines would be provided for in that bill?—A. I do not know; I could not say upon what they made up their minds.

Q. You were willing to vote for eight, you say?—A. I would have voted for five, I would have voted for six, or four, whatever was mentioned in the resolution. My whole attention was directed to the proviso.

Q. Did you think the Navy needed eight submarines?—A. I did; but I made no fight.

Q. And there was no one in the committee who seemed to think that that number was too large, at least no one raised any objection?—A. I do not recall any.

Q. Did Mr. Lilley raise any objection to the number of submarines?—A. Mr. Lilley did join in the discussion on the proviso. He took the position that that was an improper limitation upon the discretion of the Secretary. In other words, he joined in the matter of the amendment that I had made. You ask me if I remember how he voted; I do not remember.

Q. Was there any motion or substitute offered in the committee to reduce the number of submarines provided for in the Loudenslager resolution from eight to four?—A. If there was I do not know of it.

Q. Did anyone raise the question of the number of submarines provided for in the Loudenslager resolution?—A. I do not recall that there was.

Q. If any such discussion had arisen there, you would probably remember it, Mr. Padgett?—A. I think so.

Q. I mean to say you were present all the time?—A. I was present all the time. I was present during the discussion of the entire programme, but I would not say that there was not a question of four, but I mean to say that I do not remember that there was a discussion of four or six. The whole discussion seemed to be over the question of the limitations over the proviso.

The CHAIRMAN. Any other member of the committee or any one else present who desires to ask Representative Padgett any questions?

TESTIMONY OF DAVID N. CARVALHO—Recalled.

DAVID N. CARVALHO, on being recalled and being examined, testified as follows:

By Mr. OLMSTED:

Q. You have been sworn?—A. I have, sir.

Q. You have heretofore qualified as an expert in writing and typewriting. I do not now recall that you went so far as to state your experience or whether you are an expert in the testing of ink?—A. It has been a life study with me, sir.

Q. Particularly with reference to the length of time that the paper has been written?—A. Yes, sir.

Q. Are there any printed books upon that subject?—A. There is one book I know of, sir; you have it under your arm.

Q. What is the title of it?—A. "Forty Centuries of Ink."

Q. It appears to be by Carvalho?—A. That is me, sir.

Q. You wrote that book?—A. I did, sir.

Q. Have you had a good many cases in which the testing of ink formed an important part?—A. Very, very many, sir.

Q. In court?—A. In open court; have made tests—chemical tests in open court.

Q. I do not wish to take up any more time than is necessary. I hand you, Mr. Carvalho, a paper which has heretofore been offered in evidence and referred to and identified at least and marked "E," and ask you, if you can state, will you state when you first saw that paper?—A. On Saturday last.

Q. That would be what day of the month?—A. The 25th.

Q. Now, can you state how long that paper had been written before you saw it?—A. When I saw this paper on Saturday last, from its physical appearance and from the examination that I had made of it by the use of colored glasses, my judgment was then that it was about ten days old—ten to twelve days old, and having added on the three days when I saw it last would make it about fifteen days old.

Q. Are you positive that that letter was not written more than fifteen days ago?—A. I will explain my reasons for formulating such an opinion. Now, ink as is commonly understood, what we mean by ink is tanno-gallate of iron, which is suspended in water with the use of gum. Now that is of a dirty, yellow-brown color, so that in order not only to cheapen it but to make it agreeble to the eye the manufacturer is in the habit of introducing into it a blue coloring material. Consequently, when you write with ordinary commercial ink it writes a blue or blue-green, as the case may be, and after a period of time that ink begins to darken. Now, the tanno-gallate of iron, which is tannic acid and gallic acid as obtained from gallnuts which grow on oak trees, deposits made by the wasps, and when brought in contact with iron it turns black. Now, the advent of the aniline colors, which are commonly known as by-products of coal tar, which brought in the artificial indigo and such blue colors, methylene blue, and nigrosine, which is sort of a blue-black color, those are used for the purpose of not only adulterating and cheapening, but for giving it an agreeable color. Now, the phenomena of ink is most extraordinary. When ink is put on the paper first of course it is in a fluid condition. Now, as soon as it dries then something begins to take place, and the tanno-gallate of iron, having an extraordinary affinity

for the oxygen of the atmosphere, begins to take it, and a chemical change is at once begun. Such an ink is the ink that has been used on the exhibit "E," so when it was written it was a blue color. In a week's time, if it had been exposed to the atmosphere it should have begun to change and turn black, but the history, so far as I am able to get it of this paper, is that it was not exposed beyond that time. I saw it about ten days or eight days after it came into the hands of the committee and it had begun to fade.

Now, I will assert when I saw this paper on Saturday it was at least five shades bluer than it is now. Now it is almost black. The usual phenomena of inks of that character is that at the end of a week if exposed to the atmosphere they should begin to blacken and at the end of a month they are positively black, and I assert that at the end of the month from the period, which would make fifteen days more, that this handwriting on this exhibit "E" will be absolutely black. Now, the document bears the date February 20, and in my opinion could not have been written on February 20, nor could it have been written on March 20—the time has not elapsed; the peculiar oxygenation that takes place within the period of the first month is still going on; it has not stopped and it will stop after the four weeks have gone by. Now, I have tested, in order to ascertain the composition of this ink, in line 9, the dot of the "i" of the word" loosing," as spelled here; and that "i" was tested for the purpose of bringing back the original color of that ink, and there it is to be seen a beautiful bright blue color, and that also at the end of the month from now will have turned black again, showing that my test is a correct one and that the two will follow the same law. If this ink had been written on February 20 it would be intensely black now, and it is not. But not only that, but upon the application of my chemical it responded instantly. The skin that is over it, so to speak, to use a trite phrase—over this color—that is oxidized on the top and it turns black; the blue, of course, is unnatural. It responded instantly to a very weak solution, and if it had had time to harden and oxidize it would have taken more time before the chemical that I used could have gone through this skin or break the surface, and it is for that reason that I state that it has not yet reached the point when it will become black, but that it will go at least two weeks from now.

Q. This letter purports to have been written in New York City on February 20 of this year. It is addressed to Hon. George L. Lilley, Washington, and signed "A Citizen," and mentioning in various ways, directly and by insinuation, a number of prominent names. It was handed to this committee by Representative Lilley on Saturday, April 18. The committee has not yet determined to put it upon the record. Now, let me ask you again, how long before Saturday, the 18th, do you say that letter was written?—A. Within five days, sir.

Q. It was not more than five days old at that time?—A. Five or six days.

Q. But it was dated February 20.—A. That is a false date, sir.

Q. Could it have been written any time in March?—A. No, sir; I do not think it could have been written any time in March, because the ink would have been turned black, and the very fact that I have been able to test that by having it in my possession Saturday last, and here it is tested, showing that that gradual blackening has taken

place, and I think the committee themselves, when I called their attention to it on Saturday, saw it was much bluer than it is now.

Q. Would you say that that was written in the natural hand of the writer, or disguised hand?—A. Unquestionably, sir, it was a disguised handwriting.

The CHAIRMAN. Any member of the committee desire to ask Mr. Carvalho any questions?

Anyone else present who desires to ask Mr. Carvalho any questions? That is all.

TESTIMONY OF ADMIRAL FRANCIS TIFFANY BOWLES.

FRANCIS TIFFANY BOWLES, being first duly sworn, on being examined, testified as follows:

The CHAIRMAN. Mr. Stevens, will you examine Admiral Bowles?

By Mr. STEVENS:

Q. Will you please state your name, address, and occupation?—A. Francis Tiffany Bowles; my present business address is Quincy, Mass.; my occupation, shipbuilder and president of the Fore River Shipbuilding Company.

Q. Were you formerly in the United States service?—A. I was.

Q. In what capacity?—A. As a naval constructor.

Q. How long were you in the United States service as naval constructor?—A. Twenty-three years.

Q. When did you leave it?—A. In November, 1903.

Q. What occupation did you go into then?—A. I took my present position.

Q. As president of the Fore River Shipbuilding Company, of Quincy, Mass.?—A. Yes.

Q. What is the nature of the business of that concern?—A. Building ships and engines for vessels.

Q. Since you have been at the head of that concern have you constructed any vessels for the Electric Boat Company or the Lake Torpedo Boat Company?—A. I have for the Electric Boat Company.

Q. When, and what vessels?—A. We constructed five submarine boats for the Electric Boat Company in 1905.

Q. What were the names of them?—A. They had no names.

Q. What are their names now?—A. I do not know.

Q. Are they in the United States service now?—A. They are not; they were for a foreign government.

Q. The United States did not take them?—A. No.

Q. Have you constructed any of the boats for the Electric Boat Company that are now in the service of the United States?—A. Yes.

Q. Which ones?—A. The *Octopus*, the *Tarantula*, the *Viper*, and *Cuttlefish*.

Q. When were they constructed?—A. They were contracted for in 1905, and were finished during the current year.

Q. Out of what appropriations were they authorized, do you recollect?—A. The appropriation made, I think, partly in 1903 and partly in 1904, I think; I am not quite certain of those dates.

Q. The contracts were entered into after you left the Navy Department and during the time that you have been president of your company?—A. They were.

Q. Do you recollect the contract price of them?—A. Yes, sir.
Q. What was it?—A. The *Octopus*, $250,000.
Q. The *Tarantula?*—A. One of the other three was $200,000 and two were $185,000, but which I do not remember.
Q. The *Octopus* is in the Navy Year Book of 1907, page 584, and the contract price is $200,000.—A. That is wrong.
Q. You are positive about that?—A. I am positive.
Q. Has the *Octopus* been accepted by the United States?—A. The *Octopus* has not been delivered to the United States yet.
Q. Have the others?—A. Yes; they have been delivered.
Q. And are a part of the United States Navy?—A. Yes. Final acceptance under the terms of the contract has not yet taken place, but it is about due.
Q. As to the *Octopus*, that was the boat that was engaged in the trials a year ago?—A. This spring; yes.
Q. The contract price of which you say is $250,000. State to the committee the cost of that boat, so far as has come to your knowledge as president of the construction company.—A. I can not give you the exact figures.
Q. In what way can we obtain them?—A. I can give them approximately and within a small amount?
Q. What information can you give us now?—A. I can give you substantially the cost.
Q. What is it?—A. The cost of those boats, as it comes to me, is merely the construction cost and is divided into two parts, that which is performed by my company and that which is performed by the Electric Boat Company and reported to us as a part of the construction cost. Now, the *Octopus* has not yet been delivered to the Government and its record is not complete, but at the present time it stands approximately thus: The construction cost of the boat to my company is $200,000 and the cost so far as returned to us by the Electric Boat Company is about $35,000.
Q. So that the total cost approximately would be $235,000?—A. Yes.
Q. To the Electric Boat Company?—A. Yes, sir.
Q. And the contract was $250,000 with the United States Government?—A. Yes.
Q. Does that include incidental expenses, office expenses, and administrative expenses and matters of that kind?—A. No; it does not, as I understand it. It includes simply the direct charges to the cost of the boat.
Q. For the physical construction of the boat?—A. Yes.
Q. What is the size of that boat?—A. She is 105 feet long.
Q. What is the tonnage?—A. The tonnage displacement when submerged is 274 tons, which, I think, is the tonnage ordinarily given in the United States tables.
Q. What are the specifications and requirements of the *Octopus* so far as surface speed, submerged speed, time for submersion, and matters of that kind?—A. Those are matters which are not special subjects of consideration to me and I am not the best witness, and I can only tell you generally about that. Of course the best evidence on that point would be the contract for the *Octopus*. As I recall it, the *Octopus* was to make 9½ knots on the surface and 5

think it was 8½ knots submerged, but my recollection is not distinct about that.

Q. Do you remember the radius of action?—A. No, I do not. Those are matters which I am not concerned in at all except as a matter of interest.

Q. In making your contracts for boats of that character how much does the question of tonnage displacement enter into your calculations? Is that the basis of your contract or an item in the making of the contract?—A. It is a mere item in making it.

Q. How is it regarded, as a part of the whole contract, as a very considerable figure, or an inconsiderable figure?—A. The light displacement of the boat, which is her actual weight in pounds, of course, is the measure of what the boat contains in materials and in structure, and therefore is the designer's capital upon which he works, and it is a vital element in the design and the outcome of the contract.

Q. Now, Admiral, in the hearings of the Naval Committee of the House—I think it was in 1901—you appeared before the House Committee on Naval Affairs, and what was your official position at that time?—A. I was Chief Constructor of the Navy and Chief of the Bureau of Construction and Repair.

Q. Were you the predecessor of Admiral Capps?—A. Yes.

Q. In your testimony at that time, as it appears in the record of this committee, at page 353 and following, there appear to be various statements by you as to the items of cost of construction of a submarine boat. Now, it has been stated in this committee by Mr. Lilley, as a basis of his charge of excessive cost in the construction of submarines, that you stated at that time to the Naval Committee that a fair cost of a submarine as then constructed was $745.45 per ton. Do you recall that testimony?—A. I never made any such statement anywhere in any such form as that. I gave an estimate of what I considered the reasonable cost of the boats then, with the knowledge which I then had. But I never gave, according to my best recollection, any cost per ton. I never gave any unit cost, and if I had I should not have applied it in that way.

Q. Do you recall the way in which you did give the cost to that committee?—A. Yes.

Q. What did you say in substance at that time as to the manner of your calculation?—A. The manner of my calculation was this: The total weight of the boat—that is, dry—is divided up, or I divided it up, into groups of materials of similar commercial character. Then I assumed for a group a price per pound, which would be accepted by engineers as a fair commercial market value for such material when installed in place. In that way I made up a total of the commercial value of a boat such as the type then under construction, known as the *Adder* class. That estimate made up in that manner amounted, as I recall, to approximately $90,000.

Q. It gives it here $89,459. Have you had any occasion since that time to examine your data and calculation?—A. Yes.

Q. How have you found them—correct?—A. Those figures were made by myself and one of my colleagues in order to give us an approximate idea of what would be a fair commercial value of a boat of that type. Now, at that time I had had no experience in the construction of submarine boats. The boats themselves had not been completed. Since that time I have had the experience of building

five boats, off approximately the same set of plans, a somewhat improved boat, but practically the same as the *Adder* class. They were duplicates of the *Fulton*. I found that my estimate was a pretty good estimate, pretty fair, that the only defect in it was that I had underestimated the difficulty of assembling a submarine boat, where everything is very much contracted, and where the spaces are all exceedingly small, and where the testing of everything is a measure of its success. I feel that that portion of my estimates was inadequate.

Q. The *Adder* the table gives here as 120 tons displacement.—A. Yes.

Q. And your figures as given in your testimony, as stated on page 353, make the cost of $89,459.—A. Yes.

Q. Which cost, divided by the tonnage of the *Adder*, would be approximately $745.45?—A. Yes.

Q. So that would be the way Mr. Lilley arrived at that basic cost?—A. I think I ought to explain that the displacement which is given in the naval books is the volume of displacement when submerged, and therefore, while it is a measure of the external volume of the boat, it includes as matter of weight the water ballast which is taken in for trimming, and the sinking of the boat. There is a very considerable quantity, and therefore if you use that displacement for obtaining cost you get a very erroneous result. The cost per ton of displacement is only a rough approximation, and must be understood would not be correct or it would lead one to make very erroneous bids. For instance, it would be a rough measure of the cost of the boat to say she costs so much per ton, light displacement, which is the actual weight of the boat dry. In the case of the *Adder* class the light displacement of those was about 100 tons, and if that were to be used as a divisor it would bring out a result which had some relation to the engineering cost.

Q. Then from your present information you would not state that $745.45 was an accurate estimate of the cost of the *Adder*, based on tonnage displacement of 120 tons?—A. No; I should say it was an underestimate, from my present knowledge.

Q. Could you give us any estimate of how much of an underestimate it is approximately?—A. Yes. I should think that it should certainly have added to it from 20 to 25 per cent, at least 20 per cent.

By Mr. STEVENS:

Q. I will read from your testimony in 1901:

> I was about to say that the cost of a submarine boat depends upon the amount of experimentation which has to be done. That is certainly very expensive. Now, my calculations show that a reasonable cost, with a handsome profit to the contractor, for the boats now building would be $89,459.

I would ask you if that same type of boat of similar construction would cost you more or less now to construct?—A. Considerably more.

Q. In what way?—A. Supposing that the boat was upon the same plans and specifications and the same materials. The increase in cost over what it actually cost at that time would be considerable, owing to the rise in the price of labor and materials.

Q. Can you give any percentage that would be fairly approximate?—A. I should think that on materials the increase in cost would be between 10 and 15 per cent, and on the labor possibly 20 per cent.

Q. Now, to make it a matter of record here, you have stated also that the use of 120 tons for the *Adder* as a basis for arriving at the tonnage cost would not be fairly accurate, but that the light displacement at about 100 tons would be more accurate.—A. Yes.

Q. Which would make a tonnage average cost of about $894 per ton on the figures you submit, then?—A. Yes.

Q. Which must be increased for labor approximately 20 per cent and for materials from 10 to 15 per cent to get a fairly average tonnage cost in the same type of boat?—A. Yes.

Q. Does the type of boat that they use now require more or less expensive construction and machinery than the type of boats of the *Adder* class?—A. It does, to a very considerable extent. The *Adder* class of boats were built upon the constructive designs, and the plans of the boats were not subject to the revision of the Government; the materials used in the boats were generally not subject to test of the Government. The boats were built on what would be called a commercial basis. That is, commercial materials were used wherever it was practicable to use them.

Q. In contradistinction to commercial materials, what other term would you use?—A. Materials subject to naval test.

Q. What is the test?—A. I should like to explain that by stating that in the present boat, the boats that have been built since the *Adder* class, that the plans and specifications have prior to the making of the contract been subject to close scrutiny on the part of the Government. Other requirements have been added to the specifications in the way of fittings on the boat; that the materials used have been altogether of the highest grade known to naval construction, and that the character of the workmanship has been correspondingly more perfect.

Q. Does that make an increased cost?—A. It means a very considerable increase in cost.

Q. Can you give us any estimate or percentage as to that increased cost of naval construction and inspection over commercial construction and inspection?—A. I was trying to recollect an actual concrete example, but I can not recall one at this moment. That difference varies very considerably, depending upon the type of vessels to which it is applied, but with special reference to these submarines, I should say that the increase in cost due to naval inspection was at least 20 per cent, and probably something in excess over that.

Q. So that if $745.45 did represent a fair estimate of cost by commercial construction the same average tonnage cost under naval construction and inspection ought to be 20 per cent higher?—A. Yes.

Q. When a bidder like yourself as a constructor considers a bid for a vessel under naval construction and subject to naval inspection, do you make any difference as to your margin by which materials might be excluded, or is that a part of the 20 per cent you have already stated to us?—A. That is a part of the 20 per cent that I have already stated, but I would answer the question by saying we do have to allow for that, because this inspection is productive of delays, which are exceedingly expensive, and if you will permit me to cover one further feature of the increased cost of the boats which have been built subsequent to the *Adder*, it is fair to mention that the exactions of the Government in relation to the trials and tests of these boats have been enormously multiplied and have had an exceedingly serious

effect upon the cost of the boats. Not only the tests which the boats are subjected to while building and which are most elaborate and critical, but those which are incorporated in the contract.

Q. These specifications are much more severe?—A. The contract for the submarine boat is something that is worthy of critical examination. With other vessels for the Navy the contract provisions will require first-class workmanship and are generally contained in the provision with regard to speed. For instance, on the battle ships we take the vessel out and submit her to a trial test of the maximum speed and then one of endurance. But that is sufficient. With the submarine boats every feature of that boat, every quality that the boat has is tested with the most rigid care. If such test were carried out upon a battle ship, I think that it would cost over $250,000 and take several months. As a matter of fact, the cost on an ordinary naval vessel is on an average of little over 1 per cent of the cost, whereas the cost of the test of submarines we have built has exceeded 8 per cent of the contract price.

Q. I did not catch that.—A. The cost of the tests under the contract provisions has exceeded 8 per cent of the contract price.

Q. That is a larger sum than formerly expended for that purpose?—A. Very much larger than expended on the *Adder* class.

Q. I understand your basis of $745.45 should be corrected somewhat as follows——A. First, if you will permit me, I would not use it at all, because it has actually no relation to the cost, it includes a number of tons of water.

Q. That is what I want to understand. First, it is inaccurate, that it does include water and should be light and used as a basis of 100 instead of 120. That would make a basic cost of about $900 per ton instead of $745.45. Then to bring the cost down to the present there should be added additional cost of labor and material, from 10 to 20 per cent?—A. Yes.

Q. Then added to that there should be added to that the additional cost of naval construction and inspection as distinguished from commercial construction and inspection?—A. Yes.

Q. And next there should be added the additional cost of tests and experimentation, much more than at that time?—A. Yes.

Q. And that would be a fair basis for considering tonnage cost now, would it?—A. It would.

Q. And that would be a sum of about $1,050 a ton, as I take it, in round numbers, taking the percentages that you have given.—A. Adding 10 per cent and then adding 20 would make it $1,170 a ton.

Q. Instead of $745, use 100 tons instead of 120 tons, would be $900 as the first change; then add 10 per cent for increase in material and labor 15?—A. Add ten.

Q. That will be $990. Then add 20 per cent for naval construction, and $900 would be $180 more, would it?—A. Yes.

Q. Then add about 8 per cent for increased cost of tests would be $70 a ton; that would be about right, about $1,240 or $1,250 per ton. Two things more, Admiral. You stated in your examination in 1901 that the question of patents is of slight importance in the construction of the submarine; that familiar methods are in use which do not infringe upon patents. Are you of that same opinion now, since you have been a constructor?—A. That is a matter I have

never had occasion to investigate since. It is something I have nothing whatever to do with.

Q. So that you could not add anything to the opinion given then?—A. Not in that respect.

Q. Have you the contract for the seven boats that were awarded to the Electric company under their contract of last summer?—A. Yes.

Q. I will not interrogate you as to that now. I want to ask you about one other circumstance. A Mr. Ferry, of Bridgeport, Conn., testified to this committee that you had advised him to use whatever influence he had toward securing the favorable submarine legislation. Do you recall any conversation with Mr. Charles Ferry, of Bridgeport, Conn., representing one of the constituent companies of the American Brass Company?—A. Yes.

Q. Will you please state what that conversation was with him?—A. Mr. Ferry's company, the Bridgeport Brass Company, have had for about two years our contracts for all brass and copper piping, rods, and so forth. And it is customary where builders confine their orders to one concern to expect supply men to assist them in getting business, and I had an understanding to that effect with Mr. Ferry when I gave him our contract.

Q. What did you ask him to do?—A. I asked him on one occasion to see that Representative Hill, of Connecticut, understood the relations existing between his company and mine and the extent of the business which in that way came to Bridgeport.

Q. Did you ask him to influence Mr. Hill as to his legislative action?—A. I did not. I asked him to inform him fully in regard to the business which came from my company to Bridgeport.

Q. Did you ask Mr. Ferry to influence Mr. Lilley as to his legistive action?—A. I did not. I never mentioned Mr. Lilley's name to Mr. Ferry. I had one other conversation on the subject, which occurred, I think, some time in February of this year. Mr. Ferry ceased some time ago last year to have my contract because of inefficient service. He came to me in Boston and sought an appointment with me. He said that he had heard through his president, Mr. Kingsbury, I think he named him, that he could do something for me in Washington along the line of submarines. He said that they felt very seriously the loss of my contract; that they had profited by the discipline that I had administered to them, and they would give excellent service. He was very anxious to get it back. He wanted to know if he could do anything for me in the way of submarines in Washington—whether it would be any advantage to him. I told him in the most positive manner that when that contract came around to be awarded again that it would be settled in the interests of my company, as it had been before; that I should be very much pleased at anything he might do for me, but I would make him no promises of any kind, either directly or indirectly, in any manner, shape, or form. I used all those words to him.

Q. Did you in any way inform him or intimate to him that if he could assist in securing favorable legislation for the Electric Boat Company that you would give him a contract?—A. I did not. I took the utmost care to prevent conveying any such idea to his mind.

Q. In having this conversation with Mr. Ferry, or anybody else *along that* line, did you do this at the instigation or request of the

Electric Boat Company or any of its officers?—A. I did not; this interview was sought wholly by Mr. Ferry.

Q. You have had much experience in the way of letting naval contracts as an officer of the Department and as president of one of the large companies of the United States. I will read you a statement from the Boston Herald, which has been inserted in this testimony as a portion of the testimony of Mr. Lilley: "Mr. Lilley has cited in his own experience at least two instances in which appeals have been made to him by his constituents." One of which was by Mr. Ferry and the other was by Mr. Franklin Taylor, of Waterbury. Do you know Mr. Taylor?—A. No.

Q. The Herald then goes on to state, "in each case the constituent has been bribed to approach his Congressman, in the one case by the promise of a private contract which was dependent upon the passage of certain legislation." Both these men denied that they made any such statement. Do you consider it in the nature of a bribe for you to approach a Member of Congress and confer with him about the interests of the naval programme or the details of the naval programme with the idea that if the naval programme is decided upon and Congress does appropriate money or authorize the construction of naval vessels that you may be then in the situation to bid for such work?—A. I do not.

Q. Those are all the questions I have.—A. I would like, if the chairman will permit me, to absolutely clear up the Ferry matter without any possibility of doubt.

The CHAIRMAN. That is what we are attempting to do in these closing days, Admiral, to clear up a number of questions about the testimony.—A. Mr. Ferry when he came to me did not mention the name of Mr. Lilley. I had not idea what he meant when he said that he could do something for me in the way of submarines. He did not describe it in any way. I did not know that he was going to see Mr. Lilley and did not ask him to go and see him or to see anyone else. Mr. Ferry, however, after he had been to Washington, came back to see me and he then told me that he had seen Mr. Lilley. That was the first time that the gentleman's name was mentioned between us. He said that he had tried to explain to Mr. Lilley the commercial situation in regard to the purchase of brass materials, and that Mr. Lilley had burst out upon him in a denunciation of submarine boats and the methods that were being pursued here in Washington and had scared him, Ferry, very much. I told Mr. Ferry that I was exceedingly sorry that any attempt to do something for me should get him into so much trouble, but he need have no anxiety on the subject, so far as his action or mine or my company's was concerned, of any kind at all; that he could go home and be satisfied that he had done what was right and so had I. That was the end of that episode so far as I was concerned. I might also state—I am anxious to clear the ground of Mr. Lilley—that if I had wished to influence him in any way or had sought to do it I had the most excellent means, because during the previous year I had transferred my contract from Bridgeport to the American Brass Company, of Ansonia and Waterbury. I negotiated that contract with the president of the American Brass Company myself.

Q. Who is that?—A. Mr. Brooker.

Q. Charles F. Brooker?—A. Yes; and I had some understanding with Mr. Brooker with regard to helping me in getting business in certain territories, but I have never had occasion to take advantage of it. I have never asked Mr. Brooker to say anything for me directly or indirectly, but I had in that gentleman's immediate neighborhood the most excellent means of reaching him in case I had so desired.

The CHAIRMAN. Any other gentleman of the committee desire to ask any questions of Admiral Bowles?

By Mr. HOWARD:

Q. Simply to get it a little bit fuller in some respects, Admiral, you made reference to the expensive character of these boats, and I would like to have you state, so that the record will show the reason for going into figures, how these tests differ from the tests of an ordinary hull for seagoing purposes. In other words, I would like to have you, if it is true, to go into the question as to whether or not the hull of a submarine is so built as to stand the pressure of the water all around at, say, a depth of 200 feet, 50 feet, 30 feet, or 20 feet, or 10 feet; whether or not as the boat dives and goes under the pressure from the outside increases with every foot of depth that it reaches; whether or not a hull to be fit for a man to go under and live in it must withstand any probable pressure which this boat was designed to undergo and at any particular depth that it was contemplated that it should dive. That is one of the features about it. Does that differ from the ordinary type of the ordinary hull for subsurface navigation?—A. I should be absolutely in favor always of a rigid test of the strength and the water-tightness of the hull of a submarine. It is a great comfort to those who go own in them.

Q. The hull, it is not like a surface hull, it is possible to spring a leak when it was submerged 30 feet under the surface?—A. Yes.

Q. Why?—A. Because of the increase in pressure; but I would like to finish my answer, which is responsive to your original question. In the ordinary hull the water tightness is decided by the application of pressure to the interior. Probably a few people knew the extent and care with which each compartment of a naval vessel is tested. After it is completed every compartment is filled with water and that water subjected to pressure, varying according to the location of the compartment, and must be made absolutely tight before it is left. That is the practical test to which an ordinary hull is subjected. Now, in the submarine not only are those tests made to a much higher pressure than in ordinary vessels, a surface vessel, is subjected to, but after the vessel is completed it is submerged to a depth of 200 feet and the water tightness and the strength of the structure tested under those conditions. What I say is this, with regard to these tests, that after having put down one of three boats to 200 feet and found that the design or structure is amply sufficient for that purpose, I see no possible reason for putting the whole three of them down, and it is the same way with regard to possibly twenty other things, where the Government is unnecessarily duplicating or triplicating the tests on these boats and actually frittering away money in useless things.

Q. But the contracts call for them?—A. The contracts call for them, and because it is there it must be subjected to the tests.

Q. And the cost is the same whether it is necessary or not?—A. That depends upon the basis upon which the contract is made. If you make a contract for seven boats with the understanding that a typical boat shall be selected for a commercial test and that all the others shall not be repeated, it is a fair basis of understanding and is a fair basis of price upon which the contract shall be made. Now, that was the fact with regard to the boats that were recently built, but it was not carried out. I mean to say that the tests were duplicated and triplicated, and we are put to unnecessary expense, on the four boats we built, amounting in cost to $61,000.

Q. And those tests are demanded by the Government?—A. Yes.

Q. Now, then, as to the mechanism and machinery in the submarine, as to how far it is necessary that every part should perform accurately its functions in order to give the boat ability under the various conditions it is supposed to operate; in other words, making an amphibious thing out of it.—A. There are certain points that it is necessary to give greater attention to; but, generally speaking, I should say that it did not require any greater standard of perfection mechanically than we are accustomed to apply to a battle ship.

Q. Suppose the shaft or something on the battle ship should break down; that is an important matter of course; but the battle ship simply floats and nobody is particularly imperiled, and it is an accident that can be repaired, relatively speaking, at leisure. Now, suppose when you are submerged some important part of the machinery breaks and gives way and refuses to act, is the peril greater to the crew?—A. Well, I do not think it is. There are so many safeguards provided in a submarine against such accidents by which balances can be rapidly expelled and the boat come to the surface. She has always buoyancy if she is let alone to come to the surface herself.

Q. If everything works right?—A. Yes; it, of course, depends upon where the accident is.

Q. I merely wanted to know as a matter of fact whether there had to be the greatest possible caution?—A. There surely does. And probably I have confused the matter in my mind by the knowing that in battle ship work we make everything just as good as mechanics can make it, and we can not do any better in submarines.

Q. A battle ship simply has got to be a surface boat?—A. Yes.

Q. No living thing can live in a battle ship under surface; but in a submarine you must be able to live in it under surface?—A. Yes, sir.

Q. Hence it seems that naturally its construction involves the greatest care of human skill and accuracy to insure those conditions.—A. It does.

Q. The point is significant in this way: There has been comparison with colliers, merchant ships, and forms of construction of that sort, wherein the matter of tonnage furnished the basis of approximate cost. I want to bring out if it is a fact that that is no fair basis of comparison; there is no criterion, if that is a fact.—A. That is true.

Q. Let us make it as plain as your scientific training can make it.—A. The construction of the hull of a submarine has no relation whatever to the construction of the hull of any other vessel; it is more like the construction of a boiler—that is, in the water-tightness. Of course, there is a mechanical problem in the other direction, the pressure from the exterior instead of from the interior, as in boilers.

Q. And now you said the testimony printed in this record before the Naval Affairs Committee in 1902 you did not use the figures $745.45 per ton as a proper measure of calculating the value of these boats. It does not appear as you have just stated it, if I caught you clearly, that 120 tons, the boat taken as the type, furnishes the figure for the divisor; that that was not the proper divisor, because 120 tons represent the submerged displacement of the boat, and it should be the dry displacement that should be used as the divisor, and accepting every other figure and statement in that hearing it is incorrect to that extent that it should have been divided by 100 instead of 120?—A. Yes, about 100; I do not remember the exact figures.

Q. Now, then, do you add to whatever list is furnished in that testimony at that time facts derived from the actual experience of building, together with the increased cost of labor, materials, and matters of that sort, until you reached the conclusion Mr. Stevens has brought out?—A. I do.

Q. You said in this hearing that you thought the patent features that were claimed were not necessary, and that devices might be contrived by intelligent persons, not patented, that could accomplish the same result. In the absence of the Government undertaking to construct submarines for itself and use its own resources for that purpose, the fact is that patents figure nevertheless?—A. They do. My company agrees, of course, not to contest the patents of the Electric Boat Company.

Q. It is therefore an element in cost in the commercial production and in the sale of these boats. Do patents cut a figure in the cost?—A. I presume they do. They do in other things that I control.

Q. Suppose a thing could be produced to be as effective without a patent as with it, and nevertheless the patents were used, would that fact affect the cost?—A. It would.

Q. Is that or not a fact with reference to all submarines built by any company in the United States?—A. I believe it is.

Q. Which is being built under patents?—A. Yes.

Q. You have no way of intimating to what extent the patents cost properly enters into it?—A. I do not know what has been expended on patents.

Q. Have you examined the contract for the Lake boat recently let by the Government?—A. I saw it very casually.

Q. You are familiar, of course, with the contract let in which you are building seven boats, let about sixty days before the Lake boat contract?—A. Yes, generally.

Q. Are you prepared to say whether the minimum performance and the prescribed minimum performance of the Lake boat, proposed Lake boat, are identical?—A. I believe they are substantially so; there is one difference, I believe, in the submerged speed, I think.

Q. Are you not mistaken about that?—A. I am not sure; I can not tell from recollection. I had an idea that there was, however, a knot difference somewhere. I can not say now where it is.

Q. Do you know of any other difference between the boats?—A. The Lake boat is a very much larger boat than any we are building. It ought to be very much easier to get results.

Q. Have you in mind the difference in the maximum guaranties of the two boats in their essential characteristics?—A. I haven't that in mind.

Q. Have you ever made a comparison?—A. I have not made such a comparison; no.

Q. Have you made any comparison between the cost of the Lake boat, its guaranteed maximum and minimum performance and tonnage, with the guaranteed maximum and minimum performance or tonnage of the Electric boats that you are constructing?—A. I have never made any such investigation at all.

Q. When you testified before the other committee on the cost of assembling, exactly what did you mean by assembling?—A. I mean to say in a submarine, where the spaces are all very small, that it is necessary for the work to proceed in a strictly orderly manner, and it is necessary that each part of the work as it proceeds should be completed before the next one can be taken up.

Q. You do not mean, then, the mere transportation or bringing together of the different materials that enter into construction?—A. No.

Q. You mean actually putting together the various parts that make the unit submarine?—A. Precisely.

Q. Admiral, would you say that your training and experience would make you an expert in counting the cost and profits of the construction of submarine boats?—A. I think it ought to.

Q. I wish to call your attention to the table on page 355 of these hearings. That table purports to give the entire number of boats built by the Holland and Electric Boat companies for the United States Government, built and building up to date; the tonnage of each, the cost per boat, the excess of cost over $745.45 per ton, and the total excess profit per boat, and the aggregate of excess profits and the total excess profit per boat on a basis of $745.45 per ton, and total excess profits on boats to date of $1,519,728.58. I want to call your attention to that and ask you to take the same data and apply your experience to it and say whether you agree that that is a proper and accurate estimate or an approximate estimate of the excessive cost.—A. I say that that statement has no relation whatever to the truth.

Q. No relation whatever to the truth. By no relation do you mean it does not even approximate the truth?—A. It does not convey the slighest idea of the facts.

Q. Would you say or not that that or approximately that sum of money, was possible under these contracts as a profit on their construction?—A. Let us take the *Octopus*. According to the total, the total excess profit per boat on the basis of $745.45 per ton is $73,273, which would be a profit of about 35 per cent upon the contract price. Now, as a matter of actual fact, I believe that the construction cost of the *Octopus*, without charging anything for royalties or general expenses of the Electrict Boat Company, will exceed the contract price, and there will be no profit at all. I am interested in it. My company's contract, in order to give us an incentive to do economical and proper work, has an interest in the surplus profits of these boats. We shall get nothing on those boats. We scrutinize the cost every week with the utmost care.

Q. You say those——A. I am speaking of the *Octopus*, *Viper*, *Cuttlefish*, and *Tarantula*.

Q. Now, the *Grampus*, *Moccasin*, *Shark*—have you any knowelge about the cost of those?—A. I have no knowledge as to the actual cost of those boats.

Q. The ones you spoke of you built?—A. The ones I spoke of I built.

Q. And you speak with actual knowledge of their actual cost?—A. I speak from the best of knowledge.

Q. From your knowledge in building the *Octopus*, the *Viper*, *Cuttlefish*, and *Tarantula*, what would you say about the alleged excessive profit of the *Holland*, *Adder*, *Porpoise*, *Plunger*, *Pike*, *Shark*, and *Moccasin*?—A. I should say that those were much better contracts, but I do not think that the profits shown in this table would be correct from my knowledge of the situation.

Q. Had you charge of the Bureau of Construction of the Navy Department when those contracts were made?—A. Not when they were made.

Q. Did you have dealings with them?—A. They were building them during the time I was chief constructor. The contracts had been let prior to my assuming that office.

Q. Now, then, it is further stated that in the bill which has just passed the House, future bill providing $3,500,000 for submarines, that on the basis of the *Octopus* contract the profits to the Electric Boat Company on boats that they build at those prices would amount to $1,471,520. I ask you if you have considered carefully enough the contracts for seven of these boats which I believe your company proposes to build to say whether that profit is possible with your knowledge of the contract as originally let?—A. That statement to which you refer me in regard to the possible profits of the boats awarded under that contains two assumptions which have no foundation. In the first place, it assumes that the contracts will be duplications of the boats already awarded. Of course it is in the discretion of the Navy Department to increase or decrease the price of those boats, and the price which will be fixed by those contracts is also in the discretion of the Navy Department and the Secretary of the Navy. Congress appropriates a limit of cost on a battle ship of $6,000,000, and I am sorry to say we never get the $6,000,000; we get a price fixed by the lowest bidder; so that that statement is the merest kind of wild talk; it has no basis whatever. Now, to answer another portion of your question, I would say with regard to the prices at which the boats we are now building have been awarded, I was not consulted by the Electric Boat Company as to bids for those boats because I was out of the country at the time they were made, but I did go over them afterwards, and I considered them very reasonable and proper contract prices, and I went and testified before the board on construction of the Navy Department when these contracts were under consideration and protested against their action in reducing the amount, because from my experience I felt that they were reasonable and proper prices, and I so maintain now.

The CHAIRMAN. The committee will take a recess until half past 2, when any other questions may be submitted to Admiral Bowles.

(Thereupon the committee took a recess until 2.30 o'clock p. m.)

AFTER RECESS.

The committee met pursuant to the taking of recess at 2.30 o'clock p. m.

All the members of the committee were present.

The CHAIRMAN. Admiral, will you resume the stand? Mr. Broussard will you propound the interrogatories submitted by Mr. Littleton?

TESTIMONY OF ADMIRAL FRANCIS TIFFANY BOWLES—Continued.

By Mr. BROUSSARD:

Q. Admiral, you have testified that the direct expenditure by the Electric Boat Company on the *Octopus* to date for work actually performed by them, and not by you, is $35,000. Does that figure include the cost of plans?—A. I understand it does not.

Q. Does it include any shop, or power, or general, or development, or patent expense, any allowance for office expense, salaries, and so forth?—A. It does not.

Q. Then the actual construction is greater than the total of $235,000, which would be indicated as the construction cost by your testimony?—A. It would.

Q. I show you a copy of an official communication from the Board of Construction, dated January 2, 1901. Please read paragraph 10 aloud.—A. "As regards the present boats, namely, $170,000 each, the Board is of the opinion that if the cost of construction, with a reasonable profit to the contractors, is alone considered it is a very high price; but if the expenses of the company in the development of the boat are taken into consideration, the price is not excessive."

Q. Is the boat referred to therein the same as to size and type as the *Adder*, referred to in your testimony in 1902 and to-day?—A. I understand that they are.

Q. Is it not true that the underestimate ($89,000) which you made as to cost of the *Adder* class does not take account of royalties or patents, or development expenses or extra risks to capital, or extra trial expenses, and similar items affecting the cost, which were apparently considered by the Board when it stated that $170,000 was not an excessive price?—A. In my estimate I did endeavor to allow for the trial expenses, but for the other items mentioned in that question I did not.

Q. So that your estimate, barring that one item which you have just mentioned, excluded every other item?—A. It did.

Q. Mentioned in this question?—A. Yes.

Q. This report is signed by Charles O'Neil and George W. Melville. Are these not the same O'Neil and Melville whose testimony as to cost before the House Committee on Naval Affairs has been referred to by Mr. Lilley, extracts from which appear on pages 351 and 353 of this record? Have you read those pages and those extracts?—A. I am familiar with the testimony that is referred to, understanding it to be the testimony that was given before the Naval Committee of the House at the same time that my own was given, in which this estimate was contained, and I answer the question by saying that they are same Admiral O'Neil and Admiral Melville.

Q. Have you any reason to believe that Admiral O'Neil and Admiral Melville have any special knowledge as to the cost of building submarines from any experience whatsoever in such construction; which knowledge would give any value to their individual testimony as opposed to the Board's opinion which they signed as members?—*A. I have not.*

Q. Is it not a fact, within your knowledge, that the cost per ton of the *Adder* is utterly useless as a basis for arriving at the cost of the *Octopus*, not only by reason of the substitution of more expensive materials as such and other causes already mentioned by you, but also by reason of the additional number of expensive fittings and on account of the use of especially developed machinery and appliances instead of commercial machinery and appliances?—A. That is true.

The CHAIRMAN. Any other member of the committee desire to ask this witness any questions?

By Mr. HOWARD:

Q. I understand you to say, Admiral, that you had not studied the Lake contract with reference to the kind of boat as intended to be supplied, the capabilities of the boat, and made no comparison of them with the contracts for the electric boats made just before the Electric boat contract was let?—A. I have not made any careful comparison, no.

Q. Could you take the two contracts and by comparison of them arrive at any conclusion of difference between the two boats and then from the contract price determine which was the costlier boat to the Government?—A. I do not think I could reach any satisfactory conclusion upon that point without an examination of the plans and specifications, for this reason: The contract stipulates that certain results must be obtained, therefore the only comparison that I could make, of course, would be upon the basis of the value of such a boat, supposing that those results are obtained. Whereas if I had before me the plans and specifications I would be able to arrive at some sort of a judgment as to whether or not those results would be obtainable and whether by any possibility they might be exceeded, which would very much influence any opinion I might form as to the value of the contracts.

Q. The question I put, of course, would depend upon the hypothesis that at least the minimum guarantee were made and would not involve any probability whether they could be made or whether they could be exceeded, it would simply be taking it contract by contract and making a comparison between the work, speed, subsurface speed and the maximum in the two records, the endurance on the surface and submerged endurance, the number of torpedo tubes, the capacity for carrying in storage the torpedoes, the number that could be discharged, and the conditions that go into the effectiveness of the boat other than the mere materials, the tonnage, because the Government is buying efficiency, we assume.—A. That could be done and the method by which I should proceed under those circumstances would be to assume the dimensions of the boats given in the contracts and these minimum requirements and then proceed to estimate from my knowledge of previous construction what the cost would be of securing those results, and by that means arrive at what would be the cost of such a boat. Then, comparing that with the cost of the boat contracted for by the Electric Boat Company, a comparison could be made of the relative value of the contracts on a commercial basis. That would eliminate, you see, any valuation of the military value of the boat, which, of course, is arbitrary and would not have a price. That is the only comparison *that I could* make. That could be done, of course.

Q. The Government, in buying anybody's submarine torpedo boats, would be governed solely by the efficiency to accomplish a certain purpose: But could you say this, where one boat, say the Lake boat, had a maximum guarantee of 1½ miles or 1½ knots more speed or greater speed than the Electric boat; that it had ten hours more sailing endurance than the Electric boat and in all other respects their performances were similar, were identical, would you say that that mile and a half excess maximum speed and that ten hours' excess endurance would be worth in dollars and cents to the Government $50,000, $60,000, $80,000, or $90,000, or any other sum more than the Electric boat, differing in those respects only by a knot and a half of speed and ten hours' endurance?—A. Now, the method that I just outlined to you would result simply in the cost of installing the necessary power in a boat to accomplish those results; it would not be any measure of the value of the boat to the Government; that, of course, I could not say.

Q. Could you get that power in smaller tonnage?—A. Yes.

Q. Have you got the dimensions of the largest Electric Company's boats you are to build or are now building?—A. Yes.

Q. Have you got in mind the dimensions of this Lake boat?—A. No; I have not in mind at all those dimensions.

Q. Can you get that power out of the Electric boats you are building?—A. Yes.

Q. The maximum power that is guaranteed in the Lake boat?—A. Yes.

Q. You can do it?—A. Yes.

Q. Then you would not want to pay for additional tonnage if that was the thing to be developed?—A. I would certainly not.

Q. Admiral, explain to me, please, for I have never seen one, where and how to get this extra endurance. I believe you have got to have a propelling power in the boat in its submerged condition that will not stifle or kill anybody; then you have to apply different power because it is less precious when you are above the surface, and those two sources of power equip a boat for surface navigation and for subsurface navigation. Tell us, please, how you get the power for subsurface navigation and how you get it for surface navigation; how much tonnage is requisite for the storage of that power, surface and subsurface, so that we can see how that enters into it. There is ten hours difference in these two contracts, and we want to see whether this additional tonnage in the Lake boat was necessary to get additional accommodation for these two sources of power for those two purposes.—A. The power for propelling a submarine is obtained wholly from a storage battery, and the capacity of the storage battery for the accumulation of power varies in accordance with its weight. The accumulation of power for propulsion on the surface depends upon the economy in the gasoline engines and upon the quantity of gasoline which can be carried on the boat.

Now, as the boat increases in size a less proportion of power is required for the same speed. That is, if you take a boat of 300 tons, displacement, to propel it at 9½ knots submerged will require a definite quantity of power, but if you take a boat of 450 tons displacement the increase of power for the same speed of 9½ knots is not in proportion to the size of the boat; it is a very much less proportion, so that the larger the boat the easier it is to attain the same speed,

as the greater weight is available for the storage of fuel. It is a well-known law which applies to all vessels. Now, I have not the information at hand necessary to give you a definite estimate as to the comparison of these two boats along that line, but I feel that generally the Lake contract is a very much easier contract to fulfill on account of the greater size of the boat; very much easier.

Q. Do I understand you, then, to say this ten hours' additional endurance is due entirely to its greater size?—A. Yes.

Q. And that additional speed can also be made more easily in the larger hull?—A. It can.

Q. With the greater displacement?—A. Yes.

Q. Does that increase in speed and that increase in endurance involve any mechanical intricacies or difficulties that would add materially to the cost of construction, would the necessary increase in amount of material to make the larger hull?—A. No, it does not; it rather diminishes the ratio of cost.

Q. That is as much as you can say in the absence of any definite particular comparison from the contract?—A. Yes.

Q. And as near as you can come in the absence of the construction plans themselves?—A. Yes.

The CHAIRMAN. Any other member of the committee any questions that they wish to ask this witness?

Any other Member of the House of Representatives present who desires to ask any questions of this witness?

Is there anyone else present either in person or by counsel who desires to ask questions of this witness?

By Mr. STEVENS:

Q. Admiral, has it ever been called to your attention that this basis of $745.45 a ton has been deduced from your statement before the Naval Committee and used as a basis for a calculation of the cost of submarines?—A. It has.

Q. How long ago?—A. The first time that I can recollect at this moment was when Mr. Lilley first introduced these resolutions.

Q. After the 20th day of February?—A. Yes.

Q. Do you know whether it had been previously used as a basis for any calculation?—A. Not that I remember.

Q. I will state to you that articles have appeared, I think in the New York Herald in the week previous to the introduction of the resolution by Mr. Lilley, in which this basis of $745.45 was used. Was that called to your attention?—A. I do not think so; I do not remember.

Q. An article appeared in the New York Herald calling attention to the fact of excess profits of the Electric Company in the construction of their submarines and using the identical figures that Mr. Howard, I think, called your attention to this morning, figures of the excess profits of $1,476,296.60 as a basis of excess profit—or graft, was another term that is used—which would be realized out of the boats constructed from the appropriation that was then pending, which had already been approved by the Naval Committee, and the basis for that calculation were those figures, $745.45. Had that article in the New York Herald been called to your attention?—A. I do not remember; I have seen so much use of my name in connection with this matter that the individual instances have passed from my memory, so that I could not identify any particular instance.

Q. Can you identify at any time previous to the introduction of this resolution by Mr. Lilley that this misuse of these figures was called to your attention?—A. No, I can not. It all seemed to come on together.

Q. Now, in what way was this called to your attention, do you recall?—A. Only from reading the daily papers.

Q. By nobody personally?—A. No.

Q. There has been a line of calculation, started in the New York Herald in the article that I referred to, published, I think, on the 15th day of February last, and the same figures and the same connection with the same persons that is ascribed to your figures were used in the anonymous letter to Mr. Frank L. Edinborough which is contained in our record, all of which were used prior to the 20th day of February last. After the 20th day of February last these same figures were used in a calculation by Mr. Neff and then by Mr. Webster. Now, have either of these calculations ever been called to your attention?—A. Only that I read them in the papers.

Q. But in no other way?—A. In no other way.

Mr. THURSTON (handing the committee some questions). In offering these questions I am not trying to discredit the price of submarine boats either one way or the other.

The CHAIRMAN. The following question is submitted by Mr. Simon Lake, president of the Lake Torpedo Boat Company, through his counsel, Senator Thurston:

"Q. 1. Admiral, you say you could get the same power in the boats now under construction as is to be put in the Lake boat. What power is to be put in the Lake boat, gas engine and electric?"

A. I do not know. My answer to that question referred to the power necessary for the speed guaranteed under the contract.

Q. One and one-half knots in excess of the speed provided for in the Lake boat?—A. Yes. I say that power can be put in the Electric Boat Company's boats and secure the same results.

"Q. 2. The largest boat under contract with the Electric Boat Company carries four torpedo tubes. The Lake boat carries six. The torpedoes in the Electric Company's boats only fire with the axis of the ship, while four of the tubes of the Lake boat fire at any angle within 280 degrees. Does not this increase both the cost and the efficiency of the vessel?"

A. Yes.

Q. To some considerable extent?—A. I do not know how it is accomplished, so I could not give any measure of the cost. But I do think that adds to the efficiency of the vessel a considerable.

"Q. 3. The Lake boat contains special features, such as a diving compartment, means for navigating on the bottom in shallow water, and other special features which have been considered of great value by various boards in this country and abroad. Do you know whether these would add very materially to the cost of the Lake boat?"

A. I should think it might add slightly to the cost of the Lake boat but nothing to the value.

Q. But it would add to the cost?—A. Yes.

"Q. 4. The Lake boat has a reserve buoyancy on the surface of about 28 per cent, which is added for the purpose of affording seaworthiness. Would not this reserve of buoyancy call for much

greater power for propelling a vessel of 500 tons than is called for in propelling a vessel of 340 tons, at similar submerged speed?"

A. Not necessarily.

Q. You mean to say that a 500-ton boat with buoyancy on the surface of about 28 per cent, would be propelled at the same speed submerged that a vessel of 340 tons without that 28 per cent of excess buoyancy, with the same power?—A. No. I do not mean it might be the same power, I mean to say that the increase in power would not be in proportion to the size of the boat.

Q. But it would make some increase in the cost, would it not?—A. Probably it would. Not necessarily in proportion to the size of the boat. It probably would reduce the cost.

The CHAIRMAN. Are there any other questions, Senator Thurston?

Senator THURSTON. No.

By Mr. STEVENS:

Q. I think it is rather important to get all the information you have on the subject I was interrogating you upon before the questions of Mr. Lake were propounded. As I read your testimony as to the cost of submarines when you were Chief Constructor, which were given in January, 1904, before the House Committee on Naval Affairs, and from that time up to the 20th day of February, 1908, while this was a matter of record you heard nothing about this computation of $745.45 being used as a basis for the calculating of the cost of submarines?—A. I never heard that unit mentioned. The only time that the matter has come up for discussion to me was when the Navy Department had under consideration the price of the seven boats that we are now building. And I then went before the Board on Construction, of which Admiral Converse was the president, and explained briefly the method that I had pursued in preparing that estimate, and what my subsequent experience had been in boats of the same type.

Q. And at that time you changed your basis somewhat, did you?—A. At that time I made an explanation to them which corresponded exactly with what I have made to you; and in neither my explanation nor their discussion of the matter was the unit of cost per ton ever referred to.

Q. And these particular figures of $745.45 per ton were never used in any of these statements or calculations?—A. Never. They would not naturally have been used by me, because I knew the absurdity of their application.

Q. What I want to get is, if you had heard of their being used by anybody else.—A. Never, to my recollection.

Q. During these last six years you have either been actively interested as an officer of the Navy Department or as the head of a construction company in the construction of submarines, have you not?—A. Yes.

Q. So that your opinion has been of some interest and influence in determining various questions that grow out of submarine boats?—A. Yes.

Q. And that testimony that you gave that we have referred to has been used by various parties in the Navy Department and out of the Navy Department, and by various boat companies that are interested in these matters, has it not?—A. I imagine so.

Q. Don't you know that it has been used as a basis for more or less discussion?—A. Yes.

Q. And in all that discussion through these six years you have not heard this particular basis of figures of $745.45 per ton used?—A. I have not, in my recollection.

Q. Then up to the time that this statement appeared in the New York Herald on February 15 last, where it first appears to have been used, and in the letter that was written that same day, the anonymous letter written on that same day to Mr. Frank L. Edinborough, of Michigan, both of which appear in our hearings, and for the first time these figures appear to be used as a basis for calculation, that is the first you have known of their being used?—A. I believe so.

Q. The next time that they appear to be used is as the testimony appears in this book by Mr. Webster and Mr. Neff in preparing questions for this committee, and in preparing the resolution introduced by Mr. Lilley, No. 264, on the 27th day of February last. In those two ways these same figures have been used as a basis. Did you hear of that?—A. Yes.

Q. Have you heard of any other place where these figures have been used?—A. No; I have not.

Q. Outside of those two that I have called to your attention?—A. I have not.

Q. You never heard of any other place where this particular calculation based upon your testimony of six years ago has been used?—A. I have not.

Q. Do you maintain a system of newspaper clippings in connection with your business?—A. I do not.

The CHAIRMAN. Is there anyone else who has any questions to ask of this witness?

Mr. Lilley was very desirous that Admiral Bowles should be summoned as a witness, and the committee greatly regrets that he is not here, either in person or by counsel, to propound any additional questions which he might desire to submit.

Admiral BOWLES. I am very glad to be here, and I certainly think it is Mr. Lilley's duty to be here, considering the use he has made of my name.

The CHAIRMAN. Mr. Lilley's physician sent the committee the following certificate:

HOUSE OF REPRESENTATIVES,
Washington, April 27, 1908.

H. S. BOUTELL, Esq.,
Chairman of Select Committee.

DEAR SIR: I respectfully certify that Mr. George L. Lilley is ill and physically unable to appear before your committee, and in my judgment will be unable to report for at least ten days.

E. W. REISINGER, M. D.

The CHAIRMAN. On Friday last Mr. Lilley testified he did not believe that the Electric Boat Company had corrupted any Member of the House. He further testified that he did not believe that it had indirectly effected the corruption of any Member of the House through corruption of the press; also that he did not believe that it had indirectly corrupted any Member of the House through the corruption of anyone connected with the Navy Department. This committee understood him to still adhere to the conviction that the *Electric Boat Company* had received excess profits on boats already *sold to the extent* of $1,000,000 or more. He apparently adhered

to that conviction, notwithstanding the testimony of the officers of the Electric Boat Company, of Admiral Capps, present Chief of the Bureau of Construction, and of Charles R. Flint, the foreign sales agent of the Lake Torpedo Boat Company, who testified he did not think there had been any excess profits in the sale of the boats of the Electric Boat Company to the American Government, and that he thought the prices were similar to those paid by foreign Governments for similar boats of the Lake Torpedo Boat Company. But notwithstanding this testimony he appeared to adhere to his conviction that there had still been an excess profit, and desired to have your testimony, as he seemed to base his conviction upon the testimony which you had previously given.

On the 19th of March Mr. Lilley left with this committee a document, among others, reading as follows:

"Mr. Chairman, I desire the committee to ask any witness that testifies that the *Octopus* type are worth more than $745.45 per ton the following questions:"

Then follow a series of 25 questions. All of the important or pertinent questions of the list have already been propounded to you. The other questions, which have not been asked, the committee would hardly feel justified in taking the time in asking, as they are simply questions to test the supposed intelligence of the witness so testifying. In view of Mr. Lilley's testimony on page 1354 of the record, "I think Admiral Bowles is a far more superior business man than most of the naval officers. He is president of a great company and does a large business. He must necessarily have a better knowledge of cost," the committee does not feel justified in cross-questioning you as to your capacity to give the evidence which you have submitted to the committee.

If there is no one present on behalf of Mr. Lilley to submit any other questions to this witness, he may be discharged.

We are very much obliged to you, Admiral, for the trouble of coming here from your business.

The committee expected to put in a little more evidence, the winding up of some of the tangled threads, but it does not seem to be available for this afternoon. Unless some of the parties interested have any testimony they care to have taken up before that day, the committee will take a recess until Thursday at half past 2, and the committee will endeavor to have all their witnesses whose names have been handed, and whose testimony the committee desires to hear, present on that day.

(Thereupon the committee adjourned until Thursday, April 30, 1908, at 2.30 o'clock p. m.)

COMPARATIVE STATEMENT, SUBMARINE BOATS, SUBMITTED BY L. Y. SPEAR.

In accordance with forms prescribed by the Navy Department, bids for submarine boats were received and publicly opened April 30, 1907. That is prior to the competitive trials held at Newport in May, 1907. These bids covered, as required by the Navy Department, boats of the same type as those competing in the trials.

Among the bids submitted by the Lake Company was one for an 85-foot boat of 235 tons displacement, which was substantially a

duplicate of the *Lake* which competed in the trials. There was also a bid for a 100-foot Lake boat, type A, 275 tons displacement, which is substantially the same displacement as the *Octopus* (274). There was also a bid for a 142-foot Lake boat, type A, 500 tons displacement, which bid, it is understood, became the basis for the contract given the Lake Company February 3, 1908, although it would appear from the testimony taken by the committee that the Lake Company was permitted to modify this design and submit a supplemental bid thereon where the price asked was $525,000 instead of $450,000, as originally bid and as finally incorporated in the contract.

The Electric Boat Company's bids covered two sizes of vessels, one being 105 feet long and 274 tons displacement (that is the duplicate of the *Octopus* which participated in the trial) and one being 135 feet long and 340 tons displacement.

The Electric Boat Company has recently completed and delivered to the Government three vessels of the *Viper* class, 85 feet long and 174 tons displacement, which may be used in comparison with the 85-foot Lake boat of 235 tons above referred to.

From the bids themselves and from the actual contracts executed and from the trial performances of the vessels figures may be obtained which enable a comparison of prices to be made on a basis of performance. Below will be found three such comparisons:

First. Between the 85-foot Lake boat of 235 tons displacement included in the bids, a substantial duplicate of the *Lake* which participated in the trials, and the Electric Boat Company's 85-foot boats of the *Viper* class, and 174 tons displacement, contracted for in 1905 and now in possession of the Government.

Second. Between the 100-foot Lake boat, type A, 275 tons displacement, included in the bids, and the Electric Boat Company's *Octopus*, 105 feet in length and 274 tons displacement.

Third. Between the 142-foot Lake boat, type A, of 500 tons displacement, included in the bids and subsequently contracted for, and the Electric Boat Company's 135-foot boat, 340 tons displacement, included in the bids and subsequently contracted for. In both of these cases the guarantees incorporated in the contracts have been changed in some respects from those originally submitted in the bids.

1. Eighty-five-foot boats.—The contract price for the three Electric Boat Company's boats of the *Viper* class was $190,000 each. The bid price for three Lake boats was $198,000 each, or $8,000 more per boat than the Electric Boat Company's contract price. The following table gives the guarantees and the actual trial performances in each case and shows the cheaper vessel furnished by the Electric Boat Company to be superior in performance to the more expensive Lake boat:

Item.	Electric Boat Company.		Lake Company.	
	Contract guaranty.	Trial performance.	Bid guaranty.	Trial performance.
1. Surface speed, engines only.....knots..	8.75	9.1	8.75	7.59
2. Corresponding fuel endurance .....nautical miles..	437.5	555	400	395
3. Maximum submerged speed.....knots..	8	8.2	6.75	5.65
4. Submerged endurance at 6.75 knots.nautical miles..	.....	33.5	15	.....
5. Submerged endurance at 5.65 knots.....do	.....	40	.....	.....
6. *Time to submerge*.....	6'	4'	.....	[illegible]

2. One hundred-foot boats.—The bid price for one 100-foot boat of the Lake Company, Type A, 275 tons displacement, was $300,000. The actual contract price for the *Octopus* was $250,000. The bid price for new and improved *Octopus* was $323,000, and the actual contract price for the new and improved *Octopii*, now under construction, was $285,000 each. The following table gives a comparison between the promises as represented by the Lake Company's bid and the actual performance of the *Octopus* in official trials. The comparison can not be made complete, as there are a number of important performance characteristics which are not guaranteed in the Lake Company's bids. In all of these the *Octopus* showed superiority in the competitive trials.

Item.	Octopus trial performance.	Lake Company's bid guaranty.
1. Surface speed, engines only.....knots..	11	10.5
2. Corresponding fuel endurance.....nautical miles..	680	750
3. Maximum submerged speed.....knots..	9.93	8
4. Submerged endurance at 8 knots.....nautical miles..	32	16.5

3. Large boats.—The contract price for the 142-foot Lake boat, type A, 500 tons displacement, is $450,000. The contract price for the Electric Boat Company's 135-foot boat of 340 tons displacement is $360,000. The prices named are based upon the fulfillment by the boats in their official trials of the maximum guaranties in the contracts, but provision is made in each contract whereby in case of failure to attain the maximum guaranties, the boats may be accepted at a reduced price in accordance with the schedule of penalties set forth in the contract, provided, however, that the performance on trial does not fall below the set of minimum guaranties also contained in the contract. The following table shows the guaranties, also the penalty in each case:

No.	Item	Maximum, Electric Boat Co.	Guaranty, Lake Torpedo Boat Co.	Minimum, Electric Boat Co.	Guaranty, Lake Torpedo Boat Co.	Penalties, both companies.
1	Surface speed.....knots..	13	14	12½	12½	$10,000 per knot.
2	Fuel endurance, full speed, surface, hours.	60	70	50	60	$500 a knot.
3	Submerged speed.....knots..	9½	9½	9	9	$15,000 a knot.
4	3-hour speed, submerged.....do....	8	8	7½	7½	Do.
5	Time to submerge from full speed on surface to full speed submerged, minutes.	6	6	8	8	$500 a minute.
6	Reversing screws.....seconds..	10	10	15	15	$100 a second.
	Metacentric height, submerged, inches.	13	15	10	10	$1,000 an inch.

It will be noted from the table the maximum guaranties for the two boats are identical except in the following respects:

1. Surface speed, Lake guarantees 1 knot more than the Electric Boat Company.

2. Fuel endurance, full-speed surface, Lake guarantees ten hours more than the Electric Boat Company.

7. Metacentric height submerged, Lake guarantees 2 inches more than the Electric Boat Company. The minimum in all respects are *exactly* the same except as to fuel endurance; the Lake Company *guarantees* ten hours more than the Electric Boat Company.

Now let us assume that the performance of the vessels on trial is identical and that both equal or exceed the minimum guaranties and then the difference in price to be paid by the Government will be represented by the excess guaranties of the Lake Company and terms of the penalty rate that is as follows:

1 knot surface speed, at $10,000 a knot	$10,000
10 hours surface endurance, at $500 an hour	5,000
2 inches metacentric height, at $1,000	2,000
Total	17,000

The excess contract price for the Lake boat is $90,000, which, less the above sum for penalties, becomes $73,000, which is the additional sum which will be received by the Lake Company under its contract over the amount received by the Electric Boat Company in the case of equality of performance.

HOUSE OF REPRESENTATIVES,
Washington, D. C., Thursday, April 30, 1908.

The committee met at 4.30 o'clock p. m., Hon H. S. Boutell (chairman) in the chair.

All members of the committee were present.

The CHAIRMAN. There will be inserted in the record at this point the testimony taken by the subcommittee in New York City, and also following that the testimony taken by the subcommittee in New Orleans.

Testimony taken at the office of the Southern Pacific Company, Atlantic System, No. 349 Broadway, New York, N. Y., on Monday, April 13, 1908, by Hon. M. E. Olmsted and Hon. William M. Howard, subcommittee appointed under the following resolution adopted by the select committee appointed under House resolution 288, viz:

Resolved, That the chairman be, and he is hereby, authorized to appoint Mr. Olmsted and Mr. Howard a subcommittee to take testimony, either together or separately, in New York City, with power to summon witnesses, administer oaths, and incur all necessary expenses in the premises.

TESTIMONY OF WILLIAM G. LEUMAN.

WILLIAM G. LEUMAN, being called and sworn by Mr. Olmsted, testified as follows:

Examined by Mr. HOWARD:

Q. Mr. Leuman, what position do you hold in this company's office?—A. Assistant ticket agent.

Q. Did you sell a ticket to J. C. Lake in the month of March?—A. Yes, sir.

Q. Transportation to what point?—A. I sold a ticket to a gentleman by the name of J. C. Lake, for use of himself and wife, two tickets, New York to Habana and return.

Q. New York to Habana and return?—A. Yes, sir.

Q. What point or place between New York and Habana did those tickets *permit landing*?—A. New Orleans only.

Q. What was the limit of the tickets?—A. The limit of the tickets was six months.

Q. When were they purchased?—A. As far as I can remember, they were purchased the day before sailing.

Q. What date was that?—A. That would be the 17th.

Q. Of what month?—A. Of March.

Q. What year?—A. 1908.

Q. Where were they purchased?—A. At this ticket office here.

Q. Were they purchased by Mr. Lake in person?—A. Yes, sir.

Q. Was his wife present at the time of the purchase?—A. No, sir.

Q. He was alone?—A. Yes, sir.

Q. What time of the day was that?—A. Noon time.

Q. Was any other person with him?—A. Not so far as I can remember; he was alone.

Q. Do you know whether he left New York on the trip that those tickets provided for?—A. I remember seeing him on the dock. I have looked up the purser's record, which shows his name and the same ticket numbers.

Q. On what ship was that?—A. The steamship *Momus*.

Q. New York to New Orleans?—A. New York to New Orleans.

Q. Sailing when?—A. Twelve o'clock noon, Wednesday, March 18, 1908.

Q. Have you any information as to when she arrived at New Orleans?—A. I have the book; I can give it to you. [Consulting book.] Arrived at New Orleans March 23, at 11.10 a. m.

Q. Did you get the information from the purser's books that he sailed?—A. Yes, sir.

Q. What kind of looking man was this Mr. Lake to whom you sold those tickets?—A. I should judge he was a middle-aged man.

Q. Was he apparently in health or otherwise?—A. Well, I can not say.

Q. Did he look to be feeble or decrepit in any way?—A. No, sir.

Q. Did he wear a beard?—A. I think he did, so far as I remember; but I could not swear to that.

Q. About what was his stature—his height?—A. About this gentleman's height [indicating Mr. Olmsted].

Q. The height of Mr. Olmsted?—A. Yes, sir.

Q. Was he a slender or stout man?—A. He was not stout; more a medium.

Q. Do you remember the color of his hair?—A. I do not.

Q. Whether it was black——A. I do not.

Q. Or brown or gray?—A. I do not. I would recognize him, I think, from a photograph if it were shown me.

Q. Did he make any application to the office or have any correspondence with the office before the ticket was purchased?—A. Only the day before, I think, he was asking the rates. He came in the next day, I think, and got his ticket.

Q. That would be the 16th that he made the first inquiry?—A. Yes, sir.

Q. The 18th that he sailed?—A. Yes, sir.

Q. What was the extent of the inquiry that he made on the 16th?—A. Just the rates, and so forth, and the route.

Q. From where to where?—A. To Habana.

Q. Did he mention any other route?—A. No, sir.

Q. Just asked for that one trip. Did he say anything about a trip to the Bahamas?—A. No, sir.

Q. (By Mr. OLMSTED.) Bermuda?—A. No, sir; not as far as I remember. We would have no lines going there.

Q. (By Mr. HOWARD.) He bought the ticket only over the route he inquired about?—A. Yes, sir.

Q. Did he particularly inquire about the stop-over at New Orleans?—A. No, sir; no doubt he was going to stop over there, because he asked for no reservation out of New Orleans.

Q. At the time of the purchase of the ticket?—A. Yes, sir.

Q. He asked for no reservation out?—A. No, sir.

Q. Have you any means of telling whether he left New Orleans and went to Habana or any other port?—A. You would have to take that matter up with New Orleans.

Q. Are there no reports coming from your steamship back here?—A. Not from the Habana service that I know of.

Q. You would have no report of that?—A. Not so far as I know.

Q. You have no means of knowing whether he left at any time?—A. Only by checking it up with New Orleans.

Q. Have you any knowledge when the ship *Excelsior* sailed from New Orleans for Habana?—A. I would have to look that up. Those sailings are very irregular. They take them off and put them on again.

Q. You have no knowledge of that?—A. No, sir; they are very indefinite down there.

Q. Have you any information in this office?—A. I do not think I can very well find that out. It can be found out by getting the manager's office—the agent's office on the pier—when she would sail.

Q. Would you have at this office a copy of the sailing list from New Orleans to Habana?—A. I will see. He left here on March 18. [Reading from book:] *Excelsior* from New Orleans 26th of March and April 4.

Q. (By Mr. OLMSTED). You now find from information in your possession that the *Excelsior* was scheduled to sail Thursday, March 26, and Saturday, April 4?—A. Yes, sir.

Q. If she sailed Saturday, April 4, when would she be due to arrive at Habana?—A. April 6.

Q. You would not have the passenger list of either of those sailings?—A. No, sir.

Q. Have you the passenger list giving the names of those who sailed on the *Excelsior* from New Orleans April 4, 1908?—A. No, sir; we do not receive those lists at this office.

Q. That can be found at the New Orleans office of the company?—A. Yes, sir.

Q. The purser's list shows that he was on the boat?—A. Yes, sir.

Testimony taken in New Orleans, La., April 15, 1908, by Hon. R. F. Broussard, subcommittee appointed under the following resolution adopted by the select committee under House Resolution No. 288, viz:

Resolved, That the chairman be, and he is hereby, authorized to appoint Mr. Broussard a subcommittee to take testimony in this investigation in New Orleans, to summon witnesses, administer oaths, and incur all necessary expenditures in the premises.

SUBCOMMITTEE OF THE SELECT COMMITTEE
UNDER HOUSE RESOLUTION No. 288,
New Orleans, La., April 15, 1908.

The subcommittee met at 10 o'clock a. m.
Present, Hon. Robert F. Broussard.

TESTIMONY OF JOHN DELEHANTY.

Examination by Mr. BROUSSARD:

Q. What is your occupation, Mr. Delehanty?—A. I am a detective employed with the Boylan Detective Agency.

Q. Do you know J. C. Lake, of Bridgeport, Conn., or Rutherford, N. J.?—A. Do I know him personally? No, sir.

Q. Did you ever meet him?—A. No, sir.

Q. Did you ever obtain instructions in behalf of the select committee of the House appointed by the Speaker to investigate charges made by Representative Lilley, of Connecticut, on his responsibility as a Member of the House; and if so, from whom did you get the instructions?—A. I received instructions on April 6 from Mr. H. S Michel, superintendent of the Boylan Detective Agency, to locate one J. C. Lake, of Rutherford, N. J., or Bridgeport, Conn., said to be registered within the month or so in New Orleans, La., and ascertain on what date and what hotel did he sail for Bermuda, or anywhere else, on what ship, and on what date, and what was his destination

At 10.40 a. m., on April 6, when I left the agency with orders from Superintendent H. S. Michel to locate J. C. Lake, of Rutherford, N. J., or Bridgeport, Conn., registered within a month or so in New Orleans, La., and ascertain on what date and at what hotel did he stop in New Orleans, and did he sail from New Orleans to Bermuda, or anywhere else, and on what ship, what date, and what was his destination. I first called at the St. Charles Hotel, and had the clerk to look over the register for the name of J. C. Lake as far back as February 1, but no such party had ever stopped at the St. Charles Hotel; then I went to the Hotel Grunewald, the Cosmopolitan, the Commercial, Fabacher's, Hotel Louisiana, and Bush, and had the registers examined as far back as February 1, 1908, but the name of J. C. Lake did not appear. I then went to the New Orleans Transfer Company, and had inquiries made for Mr. J. Faust, and he told me to leave a memorandum and call back about 2.30. I then went to the Hotel Denechaud and had the clerk look over the register and index book, and he found that J. C. Lake and wife registered from Bridgeport, Conn., on March 23, 1908, at this hotel, and left on March 24. There was no forwarding address given, nor did he provide for any record of any baggage.

I also made inquiries from the maid on the eighth floor, as Lake and wife had occupied room 817, and she said she could not recollect who stopped in this room on the 23d. I then went to to the Parcel Transfer Company and had the clerk look over the baggage record on March 23, but he said he had never handled any baggage for J. C. Lake.

I then went to the United Fruit Company and had the clerk make an examination of the list of passengers that left for Central America from March 23, under the name of J. C. Lake and wife; but he did not appear on any of their lists. I then went to Viccaro Brothers, and

the Bluefields Steamship Company, and J. B. Cefalu, but no such parties had left for Central America on any of their boats. I then went to the New Orleans and Porto Rico Steamship Companies and had the clerk inquire as to their passenger list there, but no one by the name of J. C. Lake and wife had left by any of their vessels. I then went to the L. and N. R. R. passenger depot and the New Orleans and Northeastern, but could not find any trace of the parties. I then returned to the New Orleans Transfer Company, and Mr. Faust had the following memorandum for me:

J. C. Lake and wife arrived on the steamship *Momus* from New York on March 23, 1908, and had two trunks, which were taken to a boarding house at 1539 Jackson avenue on the 24th.

I then went to 1539 Jackson avenue, the boarding house of Mrs. Delhommer, and made inquiries for J. C. Lake and wife, and was informed he had left on Saturday and had gone to Habana on the steamship *Excelsior*, of the Southern Pacific Steamship Company, and they would go from Habana to New York. Mrs. Delhommer said they would not return to New Orleans. I asked Mrs. Delhommer where Mrs. J. C. Lake was from, and she answered "Bridgeport, Conn." I then went to the steamship company to see Mr. Ensign, and he showed me the list of passengers, and the name of J. C. Lake and wife were on this list. Mr. Ensign said these tickets were also good on the Ward Line from Habana to New York. The *Excelsior* will arrive at Habana early Monday night.

Now, this is the report of the 7th. Continuing in the J. C. Lake inquiry, I was instructed to ascertain who keeps the boarding house, 1539 Jackson avenue, where Mr. J. C. Lake and wife stopped; is it a boarding house, and what rate did Lake and wife pay; if they stopped there for a week or a month, or how long were they there. I first made inquiry at the drug store on the corner of St. Charles avenue and Jackson avenue, and was informed that this house, 1539 Jackson avenue, was a private boarding house kept by Mrs. M. E. Delhommer. I then went to see Mrs. Delhommer and was informed by her that Lake paid two and one-half per day. This included both of them, and he stayed there from March 24 until April 4.

Now, on April 10. Continuing the J. C. Lake matter, I went to the Southern Pacific Steamship ticket office in the St. Charles Hotel and made inquiries from Mr. Ensign, the ticket agent, if Mr. J. C. Lake and wife left on the steamship *Excelsior* for Habana, had they limited tickets, and I was informed that they had tickets limited to ninety days, and Ensign said they could return to New York from Habana by the Ward Line or they could go into Mexico. I then returned to the agency and reported same to Hon. Robert Broussard and Mr. W. G. Boylan. With Mr. Broussard I went to Jackson and St. Charles avenues and waited for Mr. Broussard and went to Delhommer's boarding house. Mr. Broussard remained there about a half hour, and when he came out he told me the lady who came from the steamer *Momus* with J. C. Lake and wife had stopped at the Denechaud Hotel and had visited Mr. and Mrs. Lake when they were stopping at Mrs. Delhommer's boarding house. Mrs. Delhommer did not know the lady's name. I then went to the new Denechaud to see if any lady had registered there from Bridgeport, Conn., on the 23d of March, but could not find any J. C. Lake and wife, but there was a Mrs. R. M. McConnell, of Stamford, Conn.,

who was at the Denechaud from March 23 for a few days, and they had room 501. They were registered several lines before J. C. Lake and wife. Mr. Broussard told me that Lake had received several telegrams and letters while he was stopping at Mrs. Delhommer's, and that he was very nervous and could not sleep at night, and claimed to have resided in Michigan. The Times-Democrat of the 24th of March, 1908, in the list of passengers on the steamship *Momus*, which arrived from New York, showed the name of J. C. Lake and Mrs. Lake, and also the name of Mr. and Mrs. McConnell. This I learned from Mr. Broussard, who told me that Lake paid Mrs. Delhommer for two weeks' board for Lake and wife and only stopped there ten days, at two dollars and one-half per day.

Now, this is the report of the 11th. Continuing in the J. C. Lake operations, I went to Mrs. Delhommer's boarding house at 1539 Jackson avenue, with instructions to ascertain from which company, the Western Union or the Postal, did he receive telegrams; if she recollected the post mark on his mail; and if Mrs. Delhommer would examine the room occupied by Lake and wife in order to see if he had left any papers, letters, or telegrams behind.

I saw Mrs. Delhommer, who said she had only signed for one telegram for Mr. Lake, but could not recollect whether it was from the Western Union or the Postal. She said she could not say how long Lake was at her house when this telegram came, and I made inquiries from the colored dining-room porter, and he said he never received or signed for telegrams for Lake or wife. As for mail, she never received any at her house, and visited the post-office every day, and she thought he got all his mail at the post-office; and she told me she was also of the opinion that he got telegrams at the telegraph office. She made a search of his room, and said there was nothing there, and that the last two days he was at her house he was very anxious to know if he got to Habana if he would be compelled to go out on account of quarantine, and was undecided whether he would go into Mexico or return to New York from Habana. Mrs. Delhommer said that whatever scraps of paper Lake had left in the room had been burned up.

On the 13th I went down to the steamship *Excelsior*, which arrived from Habana, and I saw Mr. J. J. Banks, the steward, and he said he had a conversation with Lake as Lake went from here to Habana, and Lake told him he was going to stop at the Ocean View Hotel in Habana, and would only be in Habana a few days, and that he would go to New York by the Ward Line.

Q. Is there any Member of Congress present who desires to interrogate this witness, either personally or through attorney?—A. No answer.

Q. Is there anyone having an interest, direct or indirect, in this investigation who desires to propound any question to this witness, either personally or through attorney?—A. No answer.

Q. Is there anyone else present who desires to interrogate this witness, either in person or through attorney?—A. No answer.

TESTIMONY OF T. P. CUMMINGS.

T. P. CUMMINGS, being first duly sworn, testified as follows:

Examination by Mr. BROUSSARD:

Q. Give your full name, address, and occupation.—A. T. P. Cummings; manager of the Western Union Telegraph Company, 301 St. Charles street.

Q. Mr. Cummings, how long have you been manager of the Western Union Telegraph Company in New Orleans?—A. About five and one-half years.

Q. You are occupying that position now?—A. Yes, sir.

Q. Have you charge and control of all telegrams sent by your company and received by it here?—A. Yes, sir.

Q. They are in your direct custody?—A. Yes, sir.

Q. What is the domicile of the Western Union Telegraph Company—where was it chartered?—A. In New York.

Q. New York State?—A. Yes, sir.

Q. Where are its headquarters?—A. New York City.

Q. Who is the president of the company?—A. Robert C. Clowry.

Q. Who is the vice-president?—A. There are several. I will give you all the officers, as follows: George J. Gould, vice-president; J. B. Van Every, vice-president; Thomas F. Clark, vice-president; G. W. E. Atkins, acting vice-president; A. R. Brewer, secretary; J. B. Van Every, auditor; M. T. Wilbur, treasurer; John F. Dillon, general counsel; George H. Fearons, general attorney; Rush Taggart, H. D. Estabrook, solicitors.

Board of directors: Thomas T. Eckert (chairman), Robert C. Clowry, John T. Terry, Chauncey M. Depew, Samuel Sloan, E. H. Harriman, John Jacob Astor, Edwin Gould, John T. Michell, C. Sidney Shepard, Frank J. Gould, Harris C. Fahnestock, James Stillman, J. J. Slocum, Henry Walters, J. Pierpont Morgan, James H. Hyde, Morris K. Jessup, Henry M. Flagler, George J. Gould, Howard Gould, Oliver Ames, Jacob H. Schiff, Henry A. Bishop, John B. Van Every, W. L. Bull, Thomas H. Hubbard, Thomas F. Clark, Charles Lanier.

Q. Have you, as manager of the Western Union Telegraph Company in the city of New Orleans, any telegram or telegrams addressed to or sent by J. C. Lake, the president or vice-president or general manager of the Lake Torpedo Boat Company, a corporation domiciled in the State of New Jersey, with offices and headquarters in New York City and in Bridgeport, Conn., received or sent between the 23d day of March, 1908, and the 4th day of April, 1908; and if you have, are you ready and prepared to turn such telegrams and the receipts therefor in cases where they were received here, to the Select Committee appointed by the Speaker of the United States House of Representatives under House Resolution No. 288, Sixtieth Congress, first session, a copy of which I now tender you [Mr. Broussard hands the witness a copy of House Resolution No. 288]?—A. I can not answer, as the question does not describe the messages specifically in order that a proper search of the files might be made for them.

Q. Are you willing to make a search of your files for a telegram or telegrams received or sent by J. C. Lake while he was in the city of New Orleans, between the 23d day of March, 1908, and the 1st day of April, 1908, and if you find any such telegrams either received by him or sent by him, and the receipts for such telegram in the event such telegram was received, are you willing to turn such telegram or telegrams over to this committee through me, its duly appointed subcommittee?—A. Without further advice from our legal department I would prefer not to make answers.

Q. Are you willing, on my instructions now, to go to your office and look for such telegrams as I have just described in my former questions and deliver them to me?—A. No, sir.

Q. Why?—A. For the reason that the telegrams, if any such exist, are of a confidential nature, and the legal authority calling for their production seems to be in doubt.

Q. Do you mean by that answer to question my authority to command those telegrams, or do you mean to question the authority of the men through whom I have made service on you?—A. The service on me does not seem to be sufficiently specific, and I would prefer to have further advice from the company before answering definitely.

Q. If a specific summons was made on you with a writ of subpœna duces tecum would you insist upon the service being made through a regularly appointed and commissioned and sworn Sergeant-at-Arms of the House of Representatives?—A. That course would seem to me to be proper.

Q. My question is, would you question the authority of the man if he did not hold a commission from the Sergeant-at-Arms to serve a subpœna duces tecum upon you.—A. I did not question the authority, but I would prefer to have further advice from my company on this subject.

Q. Well, you have had since day before yesterday to get that advice. I do not see that I can give you any further time now. I ask you to answer the question.—A. The description of the message or messages appears to be vague, and it would be difficult to conduct an intelligent search of our files, and I would not be able to make the search.

Q. Now, Mr. Cummings, if there was a telegram received by J. C. Lake while he was here during the dates mentioned, or a telegram sent by him to anyone, could you not find that in the records of your office?—A. We could have a search made of the entire files; yes, sir.

Q. Well, suppose I insist that you should search your entire files; could not you then find it or them?—A. It could doubtless be found, but the demand for the message appearing to be in the nature of a search warrant, and not based on an intimate knowledge of the message, it would seem improper to make the search.

Q. Of course you can understand that if the committee knew what was in these messages they would not bother you about them. They can not give you a more accurate description, because the object is to find out what is in the message or messages. Can you suggest any way by which I can more fully describe the message or messages that were received by J. C. Lake while he was in New Orleans, except to say "telegrams sent by J. C. Lake and telegrams received by J. C. Lake through your office?"—A. No, sir; I could not suggest; but the company's rules are that no messages are to be produced without they are specifically described.

Q. What do you understand by "specifically described," or what does your company's rule mean by "specifically described;" do you mean the contents of the telegram?—A. The date of the message, the address, the destination, and the substantial text, and the signature.

Q. If that could not be described, then I understand under your rule of your company you would decline to furnish them?—A. Yes, sir.

Q. And without further description than has been given in these questions heretofore propounded to you, you decline to produce them?—A. Yes, sir.

Q. You do not raise a question of the subcommittee's authority to demand them under the resolution of Congress?—A. No, sir.

Q. You do not raise any question of the officer who has heretofore served notice on you to appear here to-day, nor his authority to serve further notice accompanied by subpœna duces tecum for the production of telegrams?—A. Without knowing definitely, I assume that he has the authority.

Q. Who do you mean by "he?"—A. The process server.

Q. You would recognize his authority?—A. Yes, sir.

Q. You would not comply with the subpœna duces tecum if a description of the document or documents desired to be obtained from you did not comply with the rule of your company which you have just described?—A. I could not comply except on positive instructions of the company, and it would be necessary for me to take up the matter further.

Q. How soon could you hear from your company if I gave you further to produce these documents; could you do it to-day?—A. In perhaps five or six hours.

Q. Well, I will grant you five or six hours. Will you get instructions from your company, and can you report back here by 5 o'clock?—A. I think so; I will try; yes, sir.

TESTIMONY OF WILLIAM A. PORTEUS.

WILLIAM A. PORTEUS, being first duly sworn, testified as follows:

Examination by Mr. BROUSSARD:

Q. Mr. Porteus, please give your name, occupation, and address.—A. William A. Porteus; manager Postal Telegraph Cable Company, 208–210 St. Charles street; residence, 114 South Clark street.

Q. What is the domicile of your company?—A. New York; I think it is either New York or New Jersey; I believe it is New Jersey.

Q. Your main office is in New York?—A. Yes, sir.

Q. Will you tell me the names of the officers of your company; the vice-president, the board of directors, together with the addresses of each of them?—A. Clarence H. Mackay, president; Edward J. Nally, first vice-president and general manager; Charles H. Adams, second vice-president; Charles P. Bruch, third vice-president; George G. Ward, fourth vice-president. Board of directors: Clarence H. Mackay, Charles R. Hosmer, Charles P. Bruch, George G. Ward, Edward C. Platt, James W. Ellsworth, Edward Reynolds, Edward J. Nally, Charles G. Adams, George Clapperton. Edward C. Platt, treasurer; Therodore L. Cuyler, jr., assistant treasurer; Edward Reynolds, auditor; Isaac Smith, superintendent of tariffs; Walter D. Francis, superintendent of supplies; Minor M. Davis, electrical engineer; John F. Skirrow, associate electrical engineer; Fernand E. d'Humy, assistant electrical engineer; John O. Stevens, secretary; Henry F. Hawkins, assistant secrteary; John Doran, superintendent complaint and claim department; Stephen B. Haig, superintendent of traffic; Charles Shirley, assistant superintendent of traffic; Christopher A. Rhodes, traveling auditor; Edward S. Butterfield, general agent money transfer service.

Q. Mr. Porteus, as manager of the Postal Telegraph Cable Company in the city of New Orleans, will you produce all telegrams

received or sent from your office in the city of New Orleans by J. C. Lake, of Bridgeport, Conn., or Rutherford, N. J., between the dates of the 23d day of March, 1908, and the 4th day of April, 1908?—A. I would further have to consult with my company, and be governed according to the legal advice given me by our attorneys.

Q. You mean you would insist upon subpœna duces tecum being served on you as manager of the company before you would answer this question?—A. Most assuredly.

Q. If such were served on you, how soon could you secure this advice and return here to reply?—A. Possibly at about 5 o'clock this evening.

Q. Until such a subpœna duces tecum is served on you you would not comply with an order for you to examine your files and turn over to this subcommittee such telegrams as you have or may have sent or received for J. C. Lake during the dates mentioned in the former questions?—A. No, sir.

TESTIMONY OF H. S. MICHEL.

H. S. MICHEL, being first duly sworn, testified as follows:

Examination by Mr. BROUSSARD:

Q. Give your name, address, and occupation.—A. H. S. Michel, superintendent Boylan Detective Agency; business address, 636 Gravier street; residence address, 1313 Penniston street.

Q. How long have you been connected with the agency?—A. Since the 1st of January, 1890.

Q. Do you know J. C. Lake, of Rutherford, N. J., or Bridgeport, Conn.?—A. I do not know him personally, but I have heard of him.

Q. Did you ever meet him?—A. No, sir.

Q. Now, will you relate if your agency has had anything to do with the attempt to locate him here or elsewhere, and when that was?—A. Yes, sir. On Monday, April 6, Mr. R. P. Stoeckler, of this city, called at the agency, on Mr. W. G. Berlin, the principal of the agency, I being present, and exhibited a telegram. Mr. Broussard, Congressman from the Third Congressional district, asking Mr. Stoeckler to employ a detective for the purpose of locating J. C. Lake, who was said to be, or had been, in the city of New Orleans, and presumably had taken a steamer for Bermuda. One of our detectives was at once detailed——

Q. What is his name?—A. Mr. J. Delehanty; and in a short time after he started taking in the hotels, he telephoned from the Denechaud Hotel that he had located the fact that J. C. Lake had registered at the Denechaud Hotel, from Bridgeport, Conn., the 23d of March, and left the hotel on the 24th of March. I instructed him to see Mr. Denechaud, see the maids and porters, as he had stated in his message there was no evidence of baggage being handled at the hotel.

Q. The details of that report Mr. Delehanty has been given, and it will be useless for you to repeat them here now.—A. From there the baggage was located, and was traced to Mrs. Delhommer's boarding house, at 1539 Jackson avenue.

Q. Did that investigation reveal the fact that they stayed over night at the Denechaud—J. C. Lake and wife—or that they had moved the next morning?—A. Yes, sir.

Q. *To* Mrs. Delhommer's?—A. Yes, sir.

Q. Did the baggage go to the Denechaud Hotel?—A. No, sir.

Q. Did not the parties reach the city of New Orleans on the steamer *Comus*?—A. *Comus;* I think it was either the *Momus* or the *Comus.*

Q. Where did the baggage go from the steamer?—A. To the transfer company's office.

Q. It did not go to the Denechaud Hotel at all?—A. No, sir.

Q. And from the transfer company's office, where did the baggage go?—A. To Mrs. Delhommer's boarding house, 1539 Jackson avenue.

Q. Was there any evidence ascertained at the Denechaud that would indicate where they had gone after leaving the hotel?—A. Yes, sir; inquiry was made as to where they had gone.

Q. Neither the maid nor the porter—A. Neither the porter, nor the cashier, nor anyone else knew at the hotel.

Q. How did you ascertain that they had moved to Mrs. Delhommer's?—A. By tracing the baggage.

Q. From the New Orleans Transfer Company?—A. Yes, sir.

Q. When your man went over to Mrs. Delhommer's, was J. C. Lake there?—A. No, sir.

Q. What had become of him?—A. He had left on the 4th of April—Saturday, the 4th of April—on the steamer *Excelsior* for Habana.

Q. Now, from that point did you try to locate him in Habana?—A. We immediately, as per your request, cabled to our representative at Habana——

Q. What reply did you get?—A. (Continuing.) Advising him of the date of the departure of the steamer, and asking him to locate J. C. Lake and wife, and if not in Habana, their destination. Not receiving a reply, we cabled on Friday night, and not receiving a reply on Saturday, on Saturday night, I being personally acquainted with Mr. Nelson Polhamus, Cuban consul of this port, I called on him and asked that he furnish us the name of some one to cable to at Habana.

Q. Mr. Polhamus was in the city?—A. Yes, sir.

Q. What position does he occupy?—A. Cuban consul; at least consul for the Republic of Cuba at this port. I saw him at his residence, No. 1815 St. Charles avenue, on Saturday night, and he thought it was best for me to write a cable officially to the chief of the secret service at Habana, stating that we had called upon him for this information, and asking him to give speedy attention thereto. Monday—that was day before yesterday—not receiving any reply to either one of the cables, and after conferring with Cuban Consul Polhamus, a cable was sent directly to the representative of the Ward Steamship Line at Habana, who was a personal friend of Mr. Polhamus, and while awaiting a reply from this the officers of the steamship *Excelsior* happened to be in port, and he interviewed them, and they stated that J. C. Lake and wife had intimated and stated, or at least had left the vessel with a view of stopping at the Ocean View Hotel in Habana, a place kept by Capt. George Reno. A second cable was then sent to the secret service at Habana, giving the benefit of this information, and a cable was received from the chief of the secret service that J. C. Lake and wife were in Habana at 85 O'Reilly street. Immediately after this dispatch—the reply from the secret service at Habana is as follows, and I will read it: "J. C. Lake and wife

are here, O'Reilley street, No. 85." After the receipt of that cable the representative of the Ward Line cabled to Consul Polhamus—this is April 13—as follows: "Mr. and Mrs. J. C. Lake sailed Saturday, steamer *Saratoga*, New York.

Q. Is there any Member of Congress present who desires to interrogate this witness, either personally or through attorney?—[No answer.]

Q. Is there anyone having an interest, direct or indirect, in this investigation who desires to propound any question to this witness, either personally or through attorney?—[No answer.]

Q. Is there anyone present who desires to interrogate this witness, either in person or through attorney?—[No answer.]

THOMAS J. WOODWARD, being first duly sworn, testified as follows:

TESTIMONY OF THOMAS J WOODWARD.

Examination by Mr. BROUSSARD:

Q. Mr. Woodward, please give your address and occupation.—A. I reside in New Orleans, 1206 Peters avenue.

Q. What is your official position?—A. Postmaster of New Orleans.

Q. Mr. Woodward, have you had occasion to investigate the special-delivery record at the post-office in New Orleans with a view of ascertaining if there were any special-delivery letters or registered letters that had reached New Orleans addressed to J. C. Lake between the dates of March 23 and April 4 of this year?—A. Yes, sir.

Q. Will you state the result of your investigation?—A. I had a very thorough investigation of the special-delivery box and also the registry division, and found that there has been no transactions with either of those divisions and no letters delivered through either one of those divisions to a person by the name of J. C. Lake.

Q. Do you know if any other letter has been delivered to him, or if there has been any demand for letters made at the general-delivery window of the post-office?—A. The clerk in the general-delivery department remembers that there has been a call at the window for the name of Lake, but he did not remember the initial, because there are other Lakes in the city; and I am satisfied that the investigation in the office of the registry and the money-order division is absolutely correct. Tracing no transaction with the money-order division or the in the post-office, we sent to the St. Charles Hotel clerk's box office there to see if there had been any forwarding order left with the clerk of the hotel to collect from the post-office any letters under the name of J. C. Lake. The clerk informed our clerk that there had been a call at his office for letters under that name, but he did not remember having delivered any to that address.

Q. Is there any Member of Congress present who desires to interrogate this witness, either personally or through attorney?—[No answer.]

Q. Is there anyone having an interest, direct or indirect, in this investigation who desires to propound any question to this witness, either personally or through attorney?—[No answer.]

Q. Is there anyone else present who desires to interrogate this witness, either in person or through attorney?—[No answer.]

TESTIMONY OF MRS. M. E. DELHOMMER.

Mrs. M. E. DELHOMMER, being first duly sworn, testified as follows:

Examination by Mr. BROUSSARD:

Q. Give your name and address.—A. M. E. Delhommer, New Orleans, La., 1539 Jackson avenue.

Q. Mrs. Delhommer, do you know Mr. J. C. Lake?—A. Well, I know him from having seen him here; that is all.

Q. When did you first meet him?—A. When he came here to ask for room and board.

Q. What was the date?—A. The 23d of March—the 23d or 24th.

Q. Which was it, the 23d or 24th?—A. The 23d; he came on the 23d to engage a room; but he came to live on the 24th.

Q. Did he come alone, or come with anyone, the day he came here first?—A. He came alone.

Q. Did he engage a room on that day?—A. Yes, sir; he told me he would be here the next day at 10 o'clock; and at 10 o'clock the next day he was here.

Q. How many rooms did he engage?—A. One room.

Q. Did he say how many would come with him?—A. No; he engaged a room for himself and wife.

Q. How did he engage the room; by the day, week, or month?—A. No; he told me he would be here one week or ten days, and he stayed here ten days—a little over, perhaps.

Q. How much did he agree to pay for the room?—A. Twenty-five dollars a week.

Q. You say he stayed ten days?—A. Well, he was here from the 24th up to—he came here on a Tuesday and left on the Saturday following—the week after.

Q. He left on the 4th of April, didn't he?—A. On the 4th of April.

Q. Did he pay you for ten days or for two weeks?—A. Ten days.

Q. He had his rooms by the day?—A. Sir?

Q. He had his rooms by the day?—A. Well, by the day, if you want. If he had stayed two weeks, he would have paid me the $50.

Q. Did he pay you $50—$25 a week?—A. Yes, sir.

Q. So he paid you for two weeks?—A. Two weeks.

Q. Was he an invalid; did he complain of suffering at all?—A. I never heard him complain; never heard him say anything about it; he came to his meals regularly and ate exactly what all the other boarders did; he never had a meal sent to his room, and he went out every day two or three times a day.

Q. Was his wife an invalid?—A. Well, his wife complained. They told me that they were down here on his wife's account; on account of her health; she had paralysis of the arm; rheumatism in her arm; she suffered very much, and could not stand the cold climate.

Q. What arm was it?—A. The right arm.

Q. What sort of weather was it when he came here and retained the room?—A. It was raining all day.

Q. Raining hard?—A. Right hard all day; very hard all day.

Q. Did he call in the rain?—A. Yes, sir; he came in the rain.

Q. How about the next day when they moved here?—A. Well, the weather was good then.

Q. It was good then?—A. Yes, sir; it was good then.

Q. When he first came here, did he tell you where he was going from here?—A. No; he did not tell me at first.

Q. Did he tell you afterwards?—A. Well, he told me that he would be here probably a week or ten days longer; he did not know, but he had a ticket—a round-trip ticket—from here to Habana, and from there to New York.

Q. Well, did he talk of going away—when did he first mention that he was going away?—A. I do not think they intended to stay much longer than ten days.

Q. When did he first mention that he was going to Habana?—A. Well, perhaps the second day or the third day; I do not know.

Q. When he first came?—A. Perhaps the first day he told me; I do not remember exactly.

Q. When did he decide what ship he was going on; do you know?—A. Yes, sir; I know, because he told me he was going on the *Excelsior;* he told me three or four days before he left; he was not certain; when he first mentioned it to me he asked me how he could get down there, because I thought he would have to leave quarantine; he said he did not think he would have any trouble about finding this out, and then he decided; the authorities said he was all right, and that he could go there; and they decided Wednesday or Thursday they could go, and he told me that he would leave Saturday on the *Excelsior;* I think it was the *Excelsior.*

Q. You think it was on Thursday?—A. Yes, sir; Thursday he knew he would be going.

Q. Well, quarantine—what was that about?—A. I had seen in the papers that after the 20th of March the traveling public would risk it if they would go to Habana.

Q. What was that quarantine about; what sort of disease?—A. Yellow fever, I expect.

Q. Well, don't you know it is yellow fever?—A. I know it is—I always thought so.

Q. Did he or his wife ever express any fear of yellow fever in going there at that time?—A. No.

Q. What was their worry about, then?—A. He said "I do not think I can be prevented from going anyway; I will go there anyway."

Q. I understand, then, he was not worried about yellow fever; only worried about being quarantined?—A. He only thought that he would not like to be delayed, because he would like very much to see Habana; or rather, the lady did.

Q. Did he tell you where he was going from Habana?—A. No.

Q. He did not say how long he would stay there, did he?—A. No.

Q. Did he receive any letters while he was stopping here?—A. Not to my knowledge; he went every day for his mail himself.

Q. Do you know where he went for his mail?—A. The post-office, I think.

Q. The post-office, or some hotel?—A. I heard his wife say he was going to the post-office; in fact, I know he went there, because one day when I went down town with him, he stopped at the post-office for the mail.

Q. Did they receive any telegrams while they were here?—A. They received one; I answered for it, but the boy says he doesn't

remember of having received any for him; because this old gentleman asked me some question the other day, and I knew I had received one telegram——

Q. Mrs. Delhommer, you said there was one telegram for him that you answered; you mean you receipted for it?—A. I receipted for it; I signed for him, I meant to say.

Q. Now, do you remember whether that was a Postal or a Western Union telegram?—A. No; I do not remember.

Q. Now, I wish I had brought you two of the envelopes, because one is yellow and one is white.—A. I know; but I do not remember.

Q. Even if you saw them you would not remember?—A. No; I pay so little attention when they bring——

Q. You signed the receipt yourself?—A. Yes, sir; I signed the receipt.

Q. You say your boy does not remember?—A. He does not remember having signed for any of those telegrams.

Q. What did you do with that telegram when you receipted for it?—A. I just sent it to their room.

Q. Were they in then?—A. Yes, sir; I think the lady was.

Q. You do not remember whether the husband was in?—A. I do not.

Q. Did you find out what was in that telegram; did anybody tell you?—A. No.

Q. Do you recall how long before they left here that it was received?—A. I do not remember.

Q. Could you remember whether first when they were here, or after awhile?—A. I am not sure, but I think it was when they first came here; I would not like to say positively, but I think it was about the first time—some of the first days they were here. They were both very pleasant all the time—very nice.

Q. Did they speak to you about their—either Mrs. Lake or Mr. Lake—about their children, or son?—A. They told me they had a son.

Q. Did they tell you where?—A. And a daughter; they told me the son stayed abroad a good deal, but was now in Washington, or expected to be; I do not remember very well, but I know he told me he was anxious to get back to see the family.

Q. Were they gone—you say they had come back?—A. They had come back from Europe.

Q. They had come back from Europe, and she was anxious to see them?—A. Yes, sir.

Q. Didn't they tell you the son was in Washington, or was expected in Washington?—A. They told me so; yes.

Q. Didn't they say his son's family was expected there?—A. She told me they were very anxious to see him; that they were expected back. Of course I tell you this just as I recollect it. Now, I perhaps might be mistaken, but it is not my fault; I am not trying to say anything that I do not remember, you know, or I am not trying to arrange things; but this is just what I remember.

Q. That is all I want; just what you can remember.—A. I didn't pay any attention to most of these things.

Q. You say you went to the city once, and they inquired for their mail?—A. Yes, that was a Sunday morning; I will tell you; and they could not get their mail because it was too early.

Q. Didn't they stop at the St. Charles Hotel to inquire?—A. Not that I know of.

Q. Do you know whether they ever did that?—A. No, I do not know.

Q. What is the reason they gave for going down to New Orleans just at that time?—A. He told me his wife could not stand the cold any longer, and had to come down to a warmer climate.

Q. That is the reason they gave?—A. That is what they told me; they came down here on account of the cold.

Q. Did his wife go out with him every time?—A. Nearly every day; nearly every time; I remember one day she stayed in; it was raining.

Q. She did not want to be caught in the rain?—A. That is the only day she stayed in; otherwise every day she was out.

Q. Did she tell you what business they were engaged in?—A. No; never told me.

Q. Did she tell you where they lived?—A. She told me they were formerly from Bridgeport, Conn.; that they had broken up housekeeping since four years, and had been boarding and living in hotels, and traveling most of the time.

Q. Didn't they tell you something about Michigan?—A. They told me they came here from Michigan.

Q. Did they tell you anything about Hot Springs, Va.?—A. They told me something about Hot Springs; I asked her if she had not tried Hot Springs, Ark., and she said she had gone to some hot springs; I do not remember much, but she did not have any relief.

Q. Mr. Lake, you said, did not appear to be an invalid?—A. No; no one would have thought so.

Q. Was he stout?—A. Not very stout, but healthy looking.

Q. Did he complain about anything?—A. Never, except of being very nervous.

Q. He appeared to be very nervous?—A. Yes; he said he could not sleep at night; that is what his wife told me; he was very nervous.

Q. She did not say why he was very nervous?—A. No.

Q. Did he ever tell you about anything that would cause him or her to be very nervous?—A. No.

Q. Did they ever mention their son's business?—A. No.

Q. Did they ever say anything about the Lake Torpedo Boat Company?—A. Never.

Q. Did they ever say anything about having contract with the Navy Department at Washington?—A. They never spoke about anything of that kind.

Q. Did they ever talk about submarine boats to you?—A. Never.

Q. Neither of them?—A. Neither of them.

Q. Did they ever talk to you about any investigation going on in Washington?—A. Never; never.

Q. Did they buy the papers here in the morning?—A. I do not remember; I know he would read my papers occasionally.

Q. What paper do you get?—A. The Picayune; and two or three other guests here get the Times-Democrat occasionally; they would read the papers lying around, but I never saw them buy any papers.

Q. You get the Picayune, and some guests get the Times-Democrat?—A. Yes, sir; you know I offer to those that want to read the *paper; I offer* the papers at breakfast. Sometimes they would take

up the papers and notice things, although he did not read them very often.

Q. How many guests have you in your place?—A. Do you want to know how many I had at the time they were here?

Q. How many when your house is full?—A. Sometimes twenty or twenty-five; I have fourteen bedrooms.

Q. This is a very fashionable avenue, isn't it?—A. Yes, sir; considered so.

Q. Considered one of the best avenues in the city?—A. Yes, sir; one of the best locations; everybody tells me I have a very excellent location; one of the best locations.

Q. This next door building to you on the corner of Jackson avenue and St. Charles avenue is the Harmony Club?—A. The Harmony Club.

Q. A very fashionable club?—A. A very fashionable club.

Q. Your rooms are large, airy, and well ventilated?—A. Yes, sir.

Q. Just describe them.—A. Yes, sir; they are very nice, large rooms; some have private baths and some have not.

Q. Most have private baths, have they?—A. Yes, sir; most of them have.

Q. This is considered one of the fashionable boarding houses?—A. Yes, sir.

Q. Is it not, as a matter of fact, just as fashionable as any in the city of New Orleans?—A. Yes, sir; just as good as any.

Q. Your guests sometimes receive the papers; some receive one and some the other?—A. Yes, sir.

Q. You, yourself, receive the Picayune?—A. Yes, sir; the Picayune.

Q. And you say you handed them to these people sometimes?—A. Yes, sir.

Q. And the others just receive the Times-Democrat?—A. Yes, sir; and the World and the Item and the States—all five of the papers.

Q. All five of the papers; and some northern papers?—A. Oh, a great many northern papers—the New York World; two or three papers from Chicago; I do not know that he has ever read any of those papers, though.

Q. So that all of the important papers here, and three great morning papers, and two great evening papers—daily papers—are received by one or other of the guests?—A. Yes, sir.

Q. Those were all accessible to Mr. Lake and Mrs. Lake when they were here; they could get them if they wanted them; they could have borrowed them?—A. They could have done it; I did not notice them ever doing it, particularly; I know my papers are for the guests if they want to read them in the morning.

Q. Can you say whether they ever read the papers every day?—A. No; I can not say that.

Q. Did you yourself notice anything about the Lilley investigation, the Lilley resolution for investigating the submarine boats in the papers?—A. I read of it, but I never noticed Mr. Lake's name in connection with that until after he was gone.

Q. At any time in reading about this investigation, did you, or they, or anybody in your presence refer to this investigation?—A. No, I do not think so.

Q. And of course they never told you anything about it?—A. No, they never told me a word about it.

Q. When they left here did they tell you what ship they were going on?—A. They told me they were going on the *Excelsior*. I asked them, and they told me.

Q. And who brought their baggage from here to the *Excelsior*?—A. A transfer man.

Q. The New Orleans Transfer Company?—A. No; I think it was——

Q. Well, did they tell you where they were going to stop?—A. No; they asked me if I knew of any hotel; and I told them I did not know.

Q. Did they say anything about their mail; where it should be forwarded?—A. Nothing.

Q. Was anything said about telegrams coming; where they were to be forwarded?—A. No; nothing.

Q. They did not leave any orders for sending mail or telegrams?—A. Nothing; no; they had some laundry in the Crescent City laundry, and they promised to bring it back; but the laundryman failed to do it, so I had to send one of my little girls after it; he wanted it about two hours before he left, and he was going to go and get it, and he said: "I will go for it;" but I said: "No; I will send one of my little girls after it, to the laundry;" he wanted to send for it by the boy, but I said, "No; I will let my little girl get it."

Q. He was extremely nervous; he did not want to miss that boat; and when the laundry did not come, he was willing to go without it?—A. Yes, sir.

Q. Did he go after it?—A. No; I sent the little girl.

Q. Did he get it in time?—A. Oh, yes, sir; before his baggage went out.

Q. What did his baggage consist in?—A. He had one trunk.

Q. A valise?—A. Two suit cases.

Q. When he came here to look for the rooms you said it was raining pretty hard?—A. Yes, sir.

Q. Did he tell you where he was stopping?—A. At the Denechaud, or at the Grunewald; I do not remember; it seems to me he told me the Grunewald; but then, knowing that three people came in the house that very day, some from the Grunewald and some from the Denechaud, and I do not remember exactly where he told me that he came from; but I know he went to one of the large hotels on the 23d.

Q. And came here that same day?—A. Came that same evening after 4 o'clock to engage a room for himself and wife.

Q. Did he tell you how he came to find out that this place existed?—A. He told me he saw the ad in the paper; I keep an ad in the Times-Democrat.

Q. You did not know them before that?—A. No, sir; not before that; he told me he came in answer to the advertisement.

Q. He was not sent here by anybody; nobody sent him here?—A. No; I expect that was the first ad in the paper, and when they were looking for a location, and they noticed everything was nice——

Q. Couldn't you locate in your mind whether he said the Grunewald or the Denechaud; anything in his conversation that would indicate that it as the one or the other, to your mind?—A. I could not be *positive* about it.

Q. No letters have come for him since that time?—A. No, sir; never.

Q. No telegrams have come?—A. Nothing.

Q. Have you got any papers of his?—A. Nothing; I looked all over; searched the house.

Q. You have not got his signature here?—A. Nothing.

Q You do not know his signature?—A. No.

Q. He left nothing in his room that would——A. Oh, there were some papers—but the house girl destroys all those things as soon as a guest goes out of the room; she picks up everything, and won't allow any paper to lie around; everything is burned; nothing in the way of papers goes to the trash box; everything is burned.

Q. You have no book of your guests that he could have signed?—A. Nothing at all.

Q. Is there any Member of Congress present who desires to interrogate this witness, either personally or through attorney?—[No answer.]

Q. Is there anyone having an interest, direct or indirect, in this investigation who desires to propound any question to this witness, either personally or through attorney?—[No answer.]

Q. Is there anyone else present who desires to interrogate this witness, either in person or through attorney?—[No answer.]

Thereupon the subcommittee adjourned until 5 o'clock p. m. of the same day, April 15, 1908.

SUBCOMMITTEE OF THE SELECT COMMITTEE
UNDER HOUSE RESOLUTION No. 288,
New Orleans, La., April 15, 1908.

The subcommittee met at 5 o'clock p. m.

Present, Hon. Robert F. Broussard.

W. C. Dufour, esq., of the firm of Miller, Dufour & Dufour, appearing for the Postal Telegraph-Cable Company, replied to the subpœna duces tecum this morning as follows:

Mr. DUFOUR. On behalf of the Postal Telegraph Company, Mr. William A. Porteus—in return to the subpœna duces tecum Mr. William A. Porteus, manager of the Postal Telegraph Company, now avers that he is unable to comply with the orders emanating from this subcommittee for the following reasons, to wit:

First. That under the method pursued by the Postal Telegraph-Cable Company in the filing of copies of messages received and the originals of messages sent the same are filed under the designation of the city from which received and the city from which sent; that therefore, in order to comply with this subpœna, it would be necessary for each correspondent to examine each and every telegram sent from the city of New Orleans office or received by the New Orleans office, together with all cables that are received, as this subpœna simply points out and calls for telegrams forwarded by Lake and received for Lake; that even if this subpœna is legal and valid a reasonable time would be required to comply with its provisions.

2d. That he is unable to comply with this subpœna for the additional reason that same is illegal and unwarranted, in that the said subpœna fails to *designate the* particular telegrams desired or the persons from

whom received and to whom sent, and this subpœna is in reality a certain warrant issued for the purpose of procuring evidence, and not for the purpose of establishing the existence of any written documents known to exist.

3d. That the proper officer on whom this subpœna should be served is the general officer of the company, domiciled in the city of New York, and that same should emanate from the general committee, to the end that respondent can make its defense before said committee.

4th. That respondent's relations with its customers and patrons is of a confidential nature, and, accordingly, respondent can only be made to produce the telegrams in its possession when said telegrams are known to exist, and the existence of which is specifically declared.

Mr. BROUSSARD. If objection is raised, whether technical or fundamental, to the production of the documents requested in the subpœna ducus tecum upon the Postal Telegraph Cable Company, while I entertain the view that I have the right and power to insist upon the production of said documents, that it is not a violation of confidential relations between the sender and receiver of the telegrams and the company; while I am of the opinion that I can insist now upon the production of the documents, I do not desire, in view of the fact that the purpose of securing such documents, to wit: Telegrams sent and received by J. C. Lake, at this time, is with a view of saving time to the committee, and saving the trouble of having those in charge of such telegrams to quit their business and come to Washington, and to save expense on the part of the Government, who must defray the expenses of those in charge of such telegrams, in having them appear at Washington to produce those documents, and objection being raised in filing questions of law to the production of such telegrams by the Postal Telegraph and Cable Company, through the attorney of the manager, W. A. Porteus, and I now rule that I shall not insist upon the production here, and shall leave the matter of adjudication for the entire committee appointed under House resolution No. 288.

TESTIMONY OF W. A. PORTEUS.

W. A. PORTEUS, recalled, testified as follows:

Examination by Mr. BROUSSARD:

Q. Mr. Porteus, how long do you keep in your custody as manager of the Postal Telegraph Cable Company telegrams received and telegrams sent through your office?—A. Six months is the time limit.

Q. What becomes of them after the six months?—A. They are usually destroyed.

Q. Do you ever send them to headquarters in New York; I think you testified your headquarters were in New York?—A. No, sir.

Q. They are destroyed in the office where they originate or where they culminate?—A. Where they culminate and originate. For instance, in order to explain that matter, a telegram being sent from here, of course, would be filed here, and all those that are coming in, of course, the impression copy is taken of those incoming telegrams here, and they, with the ones sent out, of course, constitute the telegrams sent and received in this office, and those are the telegrams destroyed every six months—sent and received telegrams.

Mr. DUFOUR. Counsel for the Postal Telegraph Cable Company state, in view of the issuance of this subpœna, the local manager will be instructed at once to search the files, as directed by this subpœna, to the end that if the company should be, by proper authority, instructed to produce any telegrams found, the same will be produced without delay.

TESTIMONY OF MR. T. P. CUMMINGS.

T. P. CUMMINGS, being first duly sworn, testified as follows:

Examination by Mr. BROUSSARD:

Q. Mr. Cummings, will you comply with the subpœna ducus tecum served on you in this office this morning?—A. I can not answer until I receive instructions from my general attorney.

Mr. T. P. Cummings, as manager of the Western Union Telegraph Company, stating now that he has not received reply from the general attorney of the company in New York as to what course he should pursue with reference to the subpœna ducus tecum served upon him to-day, requests until 10 o'clock in the morning to make such reply, as he believes he will secure that opinion before that time.

Order.—The time is hereby granted until 10 o'clock Thursday, April 16, 1908, at suite 41–43 Cosmopolitan Hotel, which time Mr. T. P. Cummings will appear to be further interrogated or to comply with a writ of subpœna ducus tecum, if the attorney of the Western Union Telegraph Company advises him to comply with it.

Thereupon the subcommittee adjourned until 10 o'clock a. m., April 16, 1908.

SUBCOMMITTEE OF THE SELECT COMMITTEE,
New Orleans, La., April 16, 1908.

The subcommittee met at 10 o'clock a. m.

Present: Hon. Robert F. Broussard.

TESTIMONY OF MR. T. P. CUMMINGS.

T. P. CUMMINGS, recalled, testified as follows:

Examination by Mr. BROUSSARD:

Q. You asked me yesterday to give you time until 10 o'clock this morning to secure the advice of the general counsel of the Western Union Telegraph Company in New York as to whether you should comply with the subpœna ducus tecum served on you yesterday morning. Have you received such advice?—A. No, sir; I have not.

Q. Did you telegraph to your counsel?—A. Yes, sir; I telegraphed promptly after leaving the meeting.

Q. Did you repeat your subpœna ducus tecum in your telegram?—A. Yes, sir.

Q. Are you now prepared to furnish this committee with such telegram as your company may have received in New Orleans, addressed to J. C. Lake, or such telegrams as may have been sent out from your office by J. C. Lake?—A. No, sir.

Q. Should I issue a subpœna ducus tecum on you to appear in Washington with such telegrams as I have sought to secure from

This is the basic and essential weakness of all fixed fortifications, but in addition to that the guns on the Pacific coast have a special disadvantage in that thick and foggy weather is exceedingly prevalent in some portions of the year. During such weather no number of guns can even damage a hostile fleet, let alone prevent the forcing of an entrance.

Mines.—Owing to the extremely swift currents and great depths in water prevailing in the harbors on the Pacific coast, their defense by the use of fixed mines is impossible and the attempt most inadvisable. The electrically controlled mine, while not so dangerous to friendly shipping as the contact mine, is nevertheless dangerous, and, moreover, useless unless it can be held exactly in the desired position, and is useless in any case in thick and foggy weather. The contact mine is in any case extremely dangerous, and is also useless unless it can be held to the desired position. I can not protest too strongly against their use, as experience has shown their great liability to disarrangement through the effect of the tides and currents upon their moorings.

My observation, after careful study in the Russo-Japanese war, was that the use of mines in that conflict resulted in one Russian battle ship and one Russian transport being destroyed, probably by Russian mines, and one Japanese battle ship destroyed, probably by a Japanese mine, and two or three merchant ships under neutral flags destroyed or disabled by floating derelict mines. There were also many suspicious accidents to Japanese transports near their own coast, which appeared to be additional cases of the sort, but owing to the secrecy maintained it was impossible to form any accurate opinion.

While I was in Seattle a dispatch was published telling that a floating mine which had been used by Russia in protecting the harbor of Vladivostok was washed ashore recently at Akaita on the northwest coast of Japan, and that while it was being examined by the navy it exploded and killed 10 of the villagers. During my stay in Newchwang, in the early months of the Russian war, one of the mines being placed by the Russian authorities exploded and killed several of the men handling it. These are but examples of the numerous instances where serious accidents have occurred in the handling of mines.

In Portland I talked with Mr. Theodore B. Wilcox, who is one of the leading merchants of the Northwest, being especially interested in flour, milling, and lumber, and is one of the heaviest shippers of these American products to the Orient. Mr. Wilcox's opinion, as a representative business man, should have great weight regarding the matter of mines as a harbor defense. Mr. Wilcox said: "Mines have been and are still a serious menace to Pacific shipping, although about two years have passed since the Russo-Japanese war, when they were placed. They are a relic of barbarism, and I shall be much disappointed and surprised if an international commission does not prohibit their use within the next year or so. One of my shipmasters reported a derelict mine in the northern passage above the island of Sakahlin, which is much frequented by American shipping, only a short time ago. We have been compelled to pay an exorbitant rate of insurance against mine risks ever since the war in the Far East. They are far worse than bad derelicts, as it is possible to discover a derelict before striking it, but with a floating mine the lookout can not pick it up quickly enough, and if it is in the line of navigation nothing is seen of one until the vessel strikes it, and then it is too late. Last month we sent a ship to Vladivostok which we were compelled to cover with torpedo and mine risks at a very high rate, necessitated by the fact that several ships had been blown up by derelict mines. The insurance companies charge as high as 2 per cent against mine risks on ships clearing for the Orient, while they have only been charging one-half of 1 per cent on all other marine risks." This in itself should be enough to justify the abolishment of any form of uncontrolled mines. Such action on our part would be in line with the British policy, where, as you doubtless know, mines have been abolished since the acquirement of submarines in the five principal naval ports, it being held that they were unnecessary when submarines were available, and that they constitute a serious menace to a free use of the ports by the British fleets.

Pacific coast proper.—The points that now especially require local defense are the large natural harbors of the coast, viz: Puget Sound, the mouth of the Columbia River, San Francisco Bay, and San Diego Bay. There are intermediate points at present of minor importance, but which in the future may require some attention.

Taking these up in the order mentioned, I find the following:

Puget Sound.—The principal defenses of Puget Sound at present are located at Forts Warden, Casey, and Flagler. These three forts are very inadequately manned, there being available less than one-third of the number of officers and men required for a single detail, without provision for relief or casualties. The defenses themselves are by no means complete and an expenditure of some five and one-half millions is still required to complete plans now adopted. The additional works will, of course, require additional men.

Assuming that it would be impracticable to get this number of submarines immediately, 5 at least should be provided for at once. These 5 should be sister ships, identical in design and construction, so that they could operate together and so that the crews, spare parts, etc., would be interchangeable. These 5 boats, requiring only a trifling number of officers and men, would go far toward remedying the unfortunate condition which now prevails, and I believe that they would really contribute more to the actual security of the Sound than would the thousands of men still required to man the defenses already completed. This, it seems to me, arises from the nature of things, since the fixed defense could, in an emergency, be entirely replaced by a floating defense of this character, while the reverse is impossible.

Columbia River.—The next point of importance is the mouth of the Columbia River, where the defenses for the city of Portland—Forts Columbia, Stevens, and Canby—are, so far as available men are concerned, worse off than those of Puget Sound, as only about one-sixth of the number required for a single detail are now available. The entrance is of such a character that it could be adequately defended by the 5 submarines without any forts at all, and the boats would insure the additional advantage of entire freedom from blockade or from the landing of hostile raiding parties on the adjacent coast, say in Grays Harbor or Willapa Bay.

San Francisco.—Here the conditions are more similar to those of Puget Sound, although on the whole more favorable to the land defense. Here also only about one-third of the men required for a single detail are now available, and a further expenditure of something over $3,000,000 is required to make effective the defenses we now have. Entrance to this harbor is also eminently unsuitable for defense mines, and behind the entrance defenses are ample anchorages not commanded by fortifications.

In order to cover this harbor effectively, as well as the adjacent coast, there should eventually be stationed here from 15 to 20 submarines. As an immediate measure, at least 5 should be secured at once. The main station for these might very well be located at the naval training station on Goat Island, with a subsidiary station on Farallones (if found practicable) for boats on picket duty. Here, as at Puget Sound and elsewhere, the boats should work on the ground where they will be used in war and where the officers can learn to cooperate efficiently with those in charge of the other means of defense. The navy-yard at Mare Island would, of course, always be available for repairs. No mines should be allowed in this harbor under any circumstances, as they are here not only peculiarly unreliable, but peculiarly dangerous.

San Diego.—Here it is not necessary for a hostile fleet to enter the bay, as its guns would command the city from the sea. The conditions are exceedingly good for the effective use of submarines, and eventually 10 of them should be stationed here to secure the perfect protection of this part of the coast. For immediate needs, 3 or 4 would be of great value.

General.—To get the full value from submarines on this coast they should have the ability to run from port to port under their own power. Owing to the fact that there are few harbors and these widely separated, a very considerable radius is required; certainly not less than 900 or 1,000 miles, and preferably a little more. This will enable them to supplement each other, mass their forces where required, and also to change stations to meet future developments or necessities not at present foreseen. San Francisco and the ports to the north are characterized by swift tidal currents which sometimes reach a speed of 7 knots, and it is sine qua non that the boats should have a considerable margin of speed, both on the surface and submerged, over this figure. Aside from these two considerations, I do not see that there is anything in the conditions on the Pacific coast to be specially met in the design of the boats. In other words, if they have the requisite radius of action and the necessary speed, no other special qualities are required.

To sum up then, so far as the continental coast is concerned the fortifications are as a whole very well planned and constructed, and when completed and adequately manned will probably be as useful as it is in their nature to be. At the present time, however, they are almost worse than useless, since they serve to create a confidence which they do not deserve, partially by lack of their incompleteness, particularly in the way of searchlights and fire-control systems, but principally on account of the lack of trained officers and men. This is a condition which will only be partially remedied if pending legislation is enacted this year, and, as I understand it, even this partial remedy will not become effective until the expiration of five years. Owing to topography and climate of the country, however, fixed defenses in any case require to be supplemented by floating defenses, as explained above. It would seem to me that, now that the submarine has passed the experimental stage, we should take advantage of its enormous possibilities at once, since we can undoubtedly render the coast practically secure by this means in a shorter time and by less expenditure of money and men than

to send the two boats now on the Pacific coast, the *Grampus* and *Pike*, to the islands, in order that they may have some protection while new boats are being built, and as soon as possible they should be supplemented by at least 5 additional boats. The *Grampus* and *Pike* are now out of commission at the navy-yard, Mare Island, where preparations are being made to thoroughly overhaul and modernize them, so as to make them similar in all respects to the *Plunger*, *Porpoise*, and *Shark*. I am told that this work will require about six months' time, and, as it includes, among other things, new batteries, the boats will be in first-class shape when completed, and as they will have all the modern improvements that can be applied, they should be very much more effective than when first commissioned, and will undoubtedly be able to render very efficient service. There will be no difficulty about towing them over to the islands, as the Japanese have demonstrated by actual trial that this size and type can be easily and safely towed under the worst possible conditions of weather and sea. Whether the boats be stationed at Honolulu or at Pearl Harbor is a matter of convenience, as it would make no difference from a military standpoint.

Our present force.—At the present moment we have assigned to the submarine service and serving with the boats in commission only two officers and only two crews. The remaining 5 boats are out of commission and the officers and men originally attached to them are scattered to general service. So far as I am aware, no attempt has been made to work out the problems involved in various localities where boats must be stationed, with the possible exception of Newport, R. I., and San Francisco.

As the result of six or seven years' work we have 3 boats ready for service, 4 more which can be made ready in about six months, and 4 new vessels which will be delivered ready for service in the spring—all on the Atlantic coast except two. That is a total of 11 boats (omitting the original *Holland*), and behind these we have a lack of organization which is simply appalling to anyone who considers the subject seriously and is familiar with the conditions that exist in that respect in Great Britain, France, and Japan. Aside from the islands in which we are interested, we have thousands of miles of continental coast and innumerable harbors which urgently demand defense. Not equipped with proper local defense it requires no prophet to see that our heavy fighting ships will be hampered in their proper rôle when war comes. England has at the present moment 48 submarine boats, built and building. France has 99. These forces are actually organized; the actual problems to be solved are being worked out, particularly in England, and the boats are engaged every day in serious work which does not fall at all short of their war-time requirements. They take their part in all maneuvers and have been doing so for some time past. The results achieved are not made fully public, but it is apparent that they are doing their work well and very effectively, as is so emphatically stated by Admiral Fournier in his report on the last French naval maneuvers, of which he was in command, and is further evidenced by the fact that they continue to build the vessels in large numbers and that their programmes, as outlined for the future in this respect, are very extensive.

So far as an individual boat is concerned, the *Octopus*, if she meets her contract requirements (and I am assured that she already exceeded them on builder's trials), will unquestionably be much superior to anything which the French now have in the water, and at least equal, if not superior, to the best British boat. In the spring a series of comparative trials are to be held, open to all comers, and if any other vessel should prove to be superior to the *Octopus*, then our condition with regard to a type vessel is even better. I am, then, utterly at a loss to see why the serious work of constructing the vessel in adequate numbers and building up an organization behind them should be any longer deferred. That it will interfere with the building of a seagoing fleet I do not believe. The general public becomes each year better educated on these questions, and it is now pretty generally understood that battle ships can not be replaced by submarines. If they replace anything, they replace surface torpedo boats and the destroyers, except for services with the fleet, but principally the fortifications and mines. The public is only now beginning to understand that fixed fortifications are not only enormously expensive in the first instance, but that their usefulness is limited, and that they require a very large army of skilled men in order to be of any practical use whatever in war. The fact that the submarine can do a great deal more than the fixed defenses has been amply demonstrated, and, further, for a given amount of protection, the first cost is much less, and, second, the number of men and officers required is but an insignificant fraction of those required for the heavy artillery. Under these circumstances I do not think that an effort to secure a reasonable number of these boats immediately will jeopardize battle ship appropriations, but, on the contrary, it ought to help them, as affording reasonable hope for curtailment of the total expense required for the battle fleet and for the coast defense.

Local sentiment.—I particularly noticed that the recent agitation in the matter of oriental labor and immigration has created a somewhat restless feeling among the people

Department a contract for the construction of a submarine, and also in the efforts which he understood were being made to secure, if possible, from Congress such legislation as would leave the disposition of any appropriation made for submarines to be expended under the discretion of the Secretary of the Navy without legislative restrictions that would prohibit the Lake Torpedo Boat Company from competing with the Electric Boat Company for submarine construction.

That of his own initiative he undertook what appeared to him at the time to be not improper methods to have brought to the attention of Congress the methods which he had believed had been pursued by the Electric Boat Company in their endeavor to secure through Congressional action what might be termed exclusive legislation, which would shut out competition and prevent the Lake Torpedo Boat Company from competing in the United States for submarine torpedo-boat construction.

That for the reasons last stated he did, on or about the 12th day of February, write the following undated and unsigned communication on a sheet of the New Willard Hotel note paper:

"For Mr. CARMICHAEL:

"A Congressman does not want to get what happened to Lessler, but here is a big story tip for what it is worth.

"The submarine people brought out a candidate, a prominent lawyer, against Loud. He withdrew upon agreement of Loud to vote for submarines.

"Frank Edinborough, Michigan State senator, former secretary to Loud, knows details."

That he inclosed said communication in an envelope of the New Willard Hotel stationery and directed it, in typewriting, as follows: "Detroit Free Press, Washington, D. C." That he mailed said communication so directed at Washington on said 12th day of February, 1908.

That on or about the 15th day of February, 1908, deponent wrote upon a Postal Telegraph blank the following undated and unsigned communication:

"Loud voted for this $1,476,296.60 graft, in the Naval Committee. There is a story in circulation that the Holland people got a prominent attorney to become a candidate against Loud last time; that Loud finally agreed to vote for the submarines upon deal that the attorney withdraw. The attorney withdrew. Subscribe for New York Herald and Washington Post. Loud can be defeated on this proposition alone by you. Watch Congressional Record. Have your local papers play up proposition. Have them write Loud for explanation and whether the withdrawal story is true."

That he inclosed said communication in a blank envelope and directed it, in typewriting, as follows: "Senator Frank Edinborough, Bay City, Mich.," and mailed it in Washington on said 15th day of February, 1908.

That said communications and the addresses on said envelopes were written by deponent upon the Smith Premier typewriter in the office of the Lake Torpedo Boat Company, in room 606, in the Colorado Building, in the city of Washington.

That on or about the 13th day of February, 1908, said deponent sent to a representative of a New York daily paper three or more typewritten sheets, containing among other statements the following paragraphs:

"It is our unanimous opinion that it is best to have the full quotations sent you printed, so that our friends can use naval opinions with members as from newspaper authority."

"Memorandum showing lack of economy in submarine at proposed cost of $1,476,296.60 more than contractor testified they were worth."

"The committee thinks it necessary to get prominent officers' ideas and opinions before public, so that other newspapers will start editorial discussion of the problem that is far more serious than surface indications tell."

That said typewritten statements were prepared by deponent and were written in part upon said Smith Premier typewriter in the office aforesaid of the said Lake Torpedo Boat Company, and in part upon the L. C. Smith typewriter in said office.

That said deponent sent said communications and said statements to said newspapers believing that Representative Loud had voted for an exclusive appropriation for submarines of a certain type, but that he subsequently learned that Representative Loud voted by letter for submarines without conditions and he deeply regrets the wrong and injustice so done by him to Representative Loud, who was innocent of all suspicions entertained by deponent concerning him.

The deponent further says that neither Simon Lake nor counsel for the Lake Torpedo Boat Company knew that he had written any of said communications and that he had been endeavoring in that way to bring out facts connected with submarine boat legislation until within a few days last past, and after the experts employed by the investigating committee of the House had testified as to the fact that the said first two communications had been written on the Smith Premier typewriter in the said offices of the Lake Torpedo Boat Company.

this unwarranted attack upon a Member in good standing in the House of Representatives, which unwarranted attack also included a manifest attempt to defeat him for renomination and reelection in his district. To this end the committee felt justified in employing the services of the experts, Mr. Carvalho, Mr. Kinsley, and Mr. Osborn. Their unanimous opinion was that the two anonymous communications were written on the same typewriter and that they were written on the typewriter upon which the questions addressed to the chairman of this committee and signed by Mr. Lilley were also written. This testimony was corroborated by the frank and ingenuous way in which Mr. Neff testified upon examining the work of the experts, that no one could dispute that they were written upon the same machine. This conclusion, of course, cast a suspicion upon all those who had access to this machine, and the committee felt justified in pursuing its inquiries and determining, if possible, not only from what office the documents originated, but the actual author and inspirer of it, and I need hardly say that the committee feels gratified at this testimony of the real author, which removes whatever suspicion attached to any of the others who had access to these machines. The exoneration, therefore, of Congressman Loud from the cruel and unjust suspicions that have attached to him all through this investigation is now absolute and complete. At the same time this investigation disclosed that the author of the anonymous communications was also the creator of the fictitious figures $1,476,296.60 which were given as the excessive cost to the United States Government of the submarines purchased from the Electric Boat Company. These fictitious figures were first given in the mysterious communication, of which Mr. Whitney appears to be the author, to a New York newspaper on or about the 13th of February. The same figures were used two days later in the anonymous communication to Mr. Edinborough, and were used in House resolution 264, introduced by Mr. Lilley on the 27th of February and drawn sometime before the 22d, so that the vital unsolved mysteries in this case, the authorship of the anonymous letter, the authorship of the mysterious communications to the newspaper containing these fictitious figures, which were for the purpose of influencing Members and allowing them, as the document said, to use the figures to back up the authority of the newspaper, have now been solved.

All the witnesses whose names were suggested to the committee by Mr. Lilley have been examined. The committee has also called on its own account all witnesses who the committee thought would cast any light whatever upon the issues raised by Mr. Lilley's charges and also point out, if possible, the motives lying behind the unsustained charges. The committee has also placed upon the record various documents not properly entitled to the dignity of evidence, which Mr. Lilley has presented, and they will be published with the evidence.

There still remain a few fictitiously signed letters handed in by Mr. Lilley, a few anonymous letters and perhaps some questions and one or two affidavits which have not been made the basis of any evidence taken by this committee. On careful examination it appears that these suggestions relate either to dead Members of the House of Representatives who died in full honor and in the respect of their fellowmen, many of them years ago, or else these matters relate entirely to

HEARING UNDER HOUSE RESOLUTION 288.

The CHAIRMAN. The following newspaper and magazine articles, which are referred to in the testimony, will be printed in the record:

[The New York Herald, February 12, 1908.]

ITS PLANS UPSET, NAVY INDIGNANT.

DEFEAT OF FOUR-BATTLE-SHIP PROGRAMME IN HOUSE COMMITTEE AROUSES RESENTMENT—BLAME PUT ON COMBINATION—INFLUENCE OF SUBMARINE BUILDERS DECLARED GREATER THAN THAT OF THE BEST NAVAL EXPERTS.

HERALD BUREAU, No. 1502 H STREET NW.,
Washington, D. C., Tuesday.

President Roosevelt may be forced to take cognizance of the methods by which the naval programme for four battle ships was strangled in the Naval Affairs Committee of the House and a bill presented for four more submarines than had been suggested by the naval authorities.

Naval officers and others interested in the increase of the Navy were astonished to-day when they learned the details of the report made by the Naval Committee, and that the committee had voted 13 to 5 to limit the increase of the Navy to two battle ships. They declared the influence of submarine builders had been greater in the committee than that of the Navy Department, its experts, and the President combined. They also said the committee had deliberately thrown aside the opinions of the very best naval experts in the country, including Admiral Dewey and Rear-Admiral Converse, and had accepted instead the opinion of agents here of the submarine boat builders.

Indignation was increased by reports that the committee had acted in secret, and had bound the members not to disclose the names of the 13 who voted to smash the President's programme.

It was said the President had learned of the combination on submarines too late. When he talked with Republican members of the committee he found the "submarine combination" had them. Then, in an effort to make headway in a desperate cause, he sent for the Democratic members. But some of the latter had also been gathered into the movement against a fair increase of the Navy.

There was a very heated session of the committee. Threats were made, and the debate grew very warm. It was proposed by one member to call in stenographers, but he was overruled, and as a precaution the members were sworn to secrecy before they left the room.

Those favoring submarines went further than ever before in attempts to discredit battle ships as a means of defense, and were

evidently encouraged by their added numbers. It was even urged that the country should abandon its policy of building more battle ships and turn to the submarine for defense.

Naval officers said to-day the plan of the agents of submarine companies to defeat the battle-ship programme was started several months ago, and was in evidence when the *Dolphin* took members of the Naval Committee on the annual inspection of yards and stations in the summer.

Naval officers also say that what is wanted is an absolutely fair investigation of all the facts covering the purchase of submarines for at least two years.

[The New York Herald, February 13, 1908.]

FEARED BLOCKING NAVY PROGRAMME.

MEMBERS OF COMMITTEE THOUGHT HOUSE WOULD NOT SANCTION FOUR BATTLE SHIPS.—AFRAID OF THE LEADERS.—COMMITTEE WILLING TO OPPOSE PRESIDENT'S SCHEME RATHER THAN BIG MEN IN THE HOUSE.

HERALD BUREAU, No. 1502 H STREET NW.,
Washington, D. C., Wednesday.

Members of the House Committee on Naval Affairs to-day made haste to defend their action smashing President Roosevelt's naval programme, which will soon be reported to the House, including only two battle ships.

That the members who found themselves opposing the Administration's programme on the one hand and the advice furnished the Administration by the best naval experts in the country on the other did not relish their position was made evident by the various explanations they set forth in justifying their votes in committee. Practically all united in saying they had voted against four battle ships because they feared the House leaders more than they did the President, and had increased the number of submarines carried in the bill at the behest of southern and western Members, who were hearing from home, rather than support the estimate of the naval experts who have charge of the defense of the entire country.

WOULD VOTE FOR BATTLE SHIPS.

Most of them added that they would be glad at this time to vote for four battle ships on the floor of the House if they find such a programme can be passed. Those members of the committee who were seen to-day said:

Several members on the committee would have supported four battle ships if they had believed it would meet with the approval of the House. It seemed to be practically the unanimous opinion of the committee that the House would vote for two new battle ships of the *Delaware* class, but would go no further. For that reason two battle ships were authorized in the bill.

As to the submarines, since Secretary Metcalf's report was sent in, in December, the Navy Department has directed that submarines be sent to the islands of the Pacific, and urgent demands have been made upon the committee personally by Members from the Pacific coast for this class of fighting vessels. For this reason four submarines, in addition to the Secretary's recommendations, were added to the bill.

DENIES COMMITTEE CONTEST.

Representative Loudenslager, of New Jersey:

As an opponent of the four-battle-ship programme and supporter of the programme voted by the committee, I want to say that there is nothing in the charge that there is a contest in the House Committee on Naval Affairs as between the supporters of battle ships and the supporters of submarine torpedo boats. I am certain if the roll call on the programme for battle ships and submarines could be revealed, it would show that fully five members of the committee voted against four battle ships and also against submarines.

NO SUBMARINE COMBINATION.

Representative Roberts, of Massachusetts:

There was no combination of submarine adherents in the committee who lined up against the proponents of battle ships, as charged in the Herald to-day. I distinctly remember that in the voting in committee four or five members opposed to submarines voted against four battle ships, and I recall two who favored submarines who favored four battle ships.

The only secrecy observed with regard to the meetings at which the naval programme was discussed was that secrecy customary in executive sessions of the committee, which are always held under the rules of the House confidential. If anybody called for a stenographer to take down the proceedings of that session because they were so hot, I failed to hear the request.

Personally I would be glad to vote for four or even ten battle ships if I thought such a provision in our bill could pass the House. We found in sounding out the House that four battle ships could not be passed. I have said that if it develops on the floor that four battle ships can be authorized, I shall vote for them.

[The New York Herald, February 14, 1908.]

LEADERS TALK OF ONE BATTLE SHIP.

THREATS HEARD IN HOUSE, WHERE PRESIDENT'S DESIRE FOR FOUR VESSELS IS COMBATED—EXPECT WARM CONTROVERSY—FRIENDS OF THE NAVY PREPARING TO FIGHT HARD FOR PROGRAMME LAID DOWN BY DEPARTMENT.

HERALD BUREAU, No. 1502 H STREET NW.,
Washington, D. C., Thursday.

House leaders let it be known to-day that they would join hands with the members of the Naval Affairs Committee in an effort to defeat the naval programme of the President, the Navy Department and the naval experts of that Department, and defend the committee's bill.

Word was passed down the line that if the President was going to undertake "to boss that programme through" he would be shown he could not handle the House of Representatives. The prediction was heard that if the Administration forced the fighting for four battle ships even the two reported by the committee might be cut to one.

"Why, he is only hurting his own case," said one prominent member of the committee.

Members of the committee continued their attempt to defend themselves from the charge that a submarine combination within the committee was working against battle ships. Representative Gregg, of Texas, declared he had voted for more submarines than

Figured upon the basis of the 1907 bid price and contract per ton, it is proposed by the committee to pay to the Electric Boat Company for the eight submarines in the 1908 programme $644,640 more than the contract price for the 1907 *Octopus* class, or $416,160 more than the bid price of the company in 1907 for the same class, or $459,680 more than the Department rate of cost in its recommendations to Congress.

From this showing it can readily be seen that the programme of the House committee at this session proposes to pay at least $1,286 a ton for the submarine against the reasonable price named by Mr. Bowles of $745.45 per ton, or $1,476,296.60 more than the present builder said they were worth when he testified before the committee in 1902.

On the other hand, as stated, the average cost of a battle ship now with the fleet in the Pacific has been only about $425 a ton. The friends of the Navy fail to see any argument of economy in these figures, and declare that the reasons of the members of the committee who assign economy as the reason for voting for submarines as against battle ships is based on a wrong conception of the real facts in the case.

[Scientific American Supplement, March 21, 1908.]

THE RELATION OF THE GOVERNMENT TO THE DEVELOPMENT OF SUBMARINE VESSELS.

[In publishing the following letter from Mr. R. G. Skerrett the editor disclaims all responsibility for the statements made. On account of the great length of the letter, we have decided to publish it in two issues. The second half will appear in the next issue.]

To the editor of the Scientific American Supplement:

The departure of the battle-ship fleet has left the Atlantic seaboard sorely crippled so far as the mobile defense of heavy fighting ships is concerned. Should circumstances develop threatening hostilities, the cities of the eastern coast could readily be laid under tribute or reduced to ashes by any one of the principal foreign powers. This fact has called forth earnest protest and has given occasion for a determined move to effect legislation providing for a large number of submarine boats in lieu of the regular departmental recommendation for four first-class battle ships and only four submarine vessels.

Setting aside the unwisdom of substituting submarines for battle ships, the present effort to secure an increased provision for underwater craft could well be justified if the bill had not been drawn in a restrictive manner for the promotion of a single type of boat. This is not in keeping with technical advance, nor does it make for the nation's security viewed in the light of the state of the art in its widest developments.

The present appropriation bill as reported by the Committee on Naval Affairs of the House of Representatives reads as follows:

The Secretary of the Navy is hereby authorized and directed to contract for eight submarine torpedo boats, in an amount not exceeding in the aggregate $3,500,000, and the sum of $1,000,000 is hereby appropriated toward such purpose, and to remain available until expended: *Provided*, That all said boats shall be of the same type heretofore determined to be the superior as the result of the comparative tests held under the provision of the naval appropriation act approved June 29, 1906, and March 2,

1907, unless on or before October 1, 1908, a submarine boat of different type and of full size for naval warfare shall have been constructed and submitted to the Navy Department for like trial and by such like trial by said Department demonstrated to be not inferior to the best submarine torpedo boat in the competitive competition above referred to.

Apart from specifically providing for only boats of the diving type like that of the *Octopus*, the vessel indirectly described in the above draft, the indulgence offered a possible competitor is so limited as to make it prohibitive. The *Octopus* was contracted for March 6, 1905, and was to be delivered to the Government by September 6, 1906. The vessel was not launched until October 4, 1906; she was not ready for acceptance test until April of 1907—assuming that she had then been submitted for acceptance trial instead of the competitive tests which took place at that time—and the vessel is still undergoing repairs and has not been finally accepted by the Government. If a rival craft must meet the accomplishments of the *Octopus*, it is hardly to be expected that a full-sized vessel fit for naval warfare could be built and ready for official examination between the passage of the foregoing bill and the 1st of October of the present year. It was the manifest spirit of unfairness to the American inventor of the foregoing Congressional provision which provoked the Hon. George L. Lilley, of Connecticut, to demand the present investigation.

That the United States Government has not been unmindful of the submarine boat is proved by the fact that we have built or building to-day no fewer than 19 submarines, representing a continuous encouragement to the development of a particular type of such boats during a period of thirteen years, and involving the expenditure and obligation of nearly $4,500,000. This sum does not represent the half million more spent in repairs, salvage, administration, and the vitally necessary modifications demanded after experiments.

The taxpayers of the country have a right to know if this substantial bounty of nearly $5,000,000 has brought a corresponding measure of national security against the day of possible need. The public has a right to know if all of the sources of native skill have been drawn upon in this developmental work pursued by the Government. And the people have a right to ask, "Have we secured the best to be had for the prices paid?"

It has been shown by competent authorities in their testimony before Congressional committees that the prices paid for the submarines now in the United States Navy were out of all reason unless the cost of development had been borne by their builders. This is the crucial point of the whole question, because official testimony shows that the prices paid were nearly double the cost of construction plus a handsome profit.

DID THE DESIGNERS AND BUILDERS PAY FOR THEIR OWN EXPERIMENTATION?

In 1895 the John P. Holland Torpedo Boat Company was awarded a contract for one submarine boat, later known as the *Plunger*. Speaking of that vessel, Mr. Charles E. Creecy, on behalf of the John P. Holland Torpedo Boat Company, testified on June 11, 1901, as follows:

When we got to the Navy Department, the Secretary determined to put us in competition. We had nothing but plans, and nobody else had anything but plans.

It is not vital to the present issue to go into the details of construction of that impracticable craft. It is only necessary to say that those interested have stated that the real cause of the boat's failure was due to the manner in which the Navy Department interfered with the original design and insisted upon an installation of steam machinery and other features not contemplated by Mr. Holland. Rear-Admiral George W. Melville, in his evidence before Congress in May of 1902, has stamped that charge as absolutely false; and the author has in his possession plans sent him by Mr. Holland bearing date of June 12, 1893—a week prior to the opening of bids at the Navy Department—in which a steam boiler and other features are shown, since charged to governmental interference.

Rear-Admiral Melville further testified that the board on construction, of which he was a member, were unanimous in their belief that the design presented by Mr. Holland would never produce a successful boat; but he urged the Secretary of the Navy, then Mr. Herbert, to award a contract to the John P. Holland Torpedo Boat Company on the ground that Congress had provided the money for experimental purposes, and that only by carrying out the intent of Congress would they be able to prove or disprove the practicability of the proposed craft. That was the beginning of Governmental experimentation.

As the *Plunger* progressed the John P. Holland Torpedo Boat Company was paid successive installments of the contract price, and these part payments not only constituted reimbursement for the cost of construction, but included the profit the contractors expected to make. After more than five years of delayed construction—during which time the boat had served the profitable commercial end of stock selling and advertising—she was utterly abandoned, and the money paid out by the Government was in effect refunded. But this refunding had a string to it. The John P. Holland Torpedo Boat Company imposed as a condition that it should receive a new contract for a vessel of later design but of about half of the promised accomplishments of the original *Plunger* and at a cost of $20,000 more. By this arrangement, the interest on the ninety-odd thousand dollars paid out during that time went as so much profit to the Holland Company, and not a word was said about paying to the Government the $80,000 in penalties due for delay which had accrued against the *Plunger* during the five years of her building. By the contract, the *Plunger* was to have been completed within twelve months from the date her contract was signed.

In 1896 the Holland interest secured the passage of a bill providing for the construction of two boats of Holland design, in case the *Plunger* should prove a success; but at the time of the passage of that bill the keel of the *Plunger* had not even been laid. The John P. Holland Torpedo Boat Company recognized that it could not hope to profit by that appropriation if the *Plunger* were to be depended upon to that end, and accordingly, later in 1896, they began the construction of that modest little craft since known as the *Holland*.

It was not until 1898, however, that this small boat was able to maneuver with the required measure of certainty and security, and it was not until 1899 that she was able to meet the indulgent requirements outlined by the Department with due regard to the modest possibilities of that particular vessel.

This is what Mr. E. B. Frost, then secretary of the company, has said regarding the reasons for building the *Holland*. His letter is dated April 28, 1900, and was addressed to the Hon. Eugene Hale, chairman of the Senate Committee on Naval Affairs:

The company found, after a year's work upon the *Plunger*, that she could not be made to bring out the highest developments of the art, and therefore determined to build the *Holland* at its own expense, which embodies the inventor's most advanced ideas. The success of the *Holland* has shown the wisdom of the company in this respect.

"The highest developments of the art" was submitted to the Navy Department in 1898 for official examination, but the vessel failed to meet the Department's requirements, modest as they were. After a year's delay, during which time persistent efforts were made to improve the vessel's performances, the *Holland* was again submitted for test, and under date of November 9, 1899, a board of naval officers reported upon the result of that examination. The following tabular statement will show how much the inventor's ideas had really advanced in six years:

	Promised 1893—original Plunger.	Realized 1899—Holland.
Displacement submerged	168.5 tons.	74 tons.
Propelled by	3 screws.	1 screw.
Speed when light	15 knots.	5.3 knots.
Speed "awash"	14 knots.	4.73 knots.
Speed when submerged	8 knots.	4 knots.
Time to submerge completely from light condition	1 minute.	16 minutes.
Number of torpedo tubes	2	1
Provision for escape of crew	Some.	None.

Upon the basis of total submerged displacement—$150,000 being the contract price for the *Plunger* as well as the purchase price of the *Holland*—the *Plunger* was to cost $1,083 a ton, while the *Holland* actually cost not less than $2,027 a ton. As the table shows, the Government paid a very tidy figure for "the inventor's most advanced ideas." In further proof of what this means, Secretary Long, under date of February 28, 1899, sent the Hon. Eugene Hale the following illuminating statement:

Although smaller, the *Holland* is less complex in her machinery and is constructed according to plans involving less expense than those upon which the *Plunger* was built.

Rear-Admiral George W. Melville, U. S. Navy, has testified that $70,000 was a reasonable maximum cost for the *Holland;* and Mr. Francis T. Bowles—now president of the Fore River Shipbuilding Company—when chief constructor of the United States Navy, stated.

My calculations show that a reasonable cost, with a handsome profit to the contractor for the boats now building (*Adder* and class of 122 tons submerged displacement) would be $89,459.

The *Adder* class cost the Government $170,000 each. It will thus be seen that the Government has paid more than double the cost plus a handsome profit—for the *Holland* and the boats of the *Adder* class, and that despite the fact that the money provided for the *Plunger* had afforded facilities for the development of the inventions incorporated in the succeeding boats. This acknowledgment of *indebtedness* to governmental bounty has been subscribed to no less

than three times by the John P. Holland Torpedo Boat Company under seal, and the specific language of that admission reads as follows and bears upon the question of possible purchase by the Government of the Holland company's patent rights:

In assessing the value of such rights said board shall take into consideration not only the value of the property but also the fact that the United States has afforded facilities for the development of the inventions covered by such rights by the appropriation of money to build the *Plunger*.

In March of 1899, eight months before the *Holland* was tried by the naval board, her promoters secured the passage of a bill providing for the construction of two boats similar to the *Holland*. In June of the following year further legislation for five boats of the *Holland* type was similarly obtained, and by the language of the bill it was made mandatory that the Secretary of the Navy should contract for those vessels; and it was by reason of the laws of 1899 and 1900 that the *Holland* was purchased and seven other boats of the *Adder* class ordered, one of which, the *Plunger*, was to take the place of the original boat of that name which had been abandoned unfinished. By the terms of the contracts these seven new boats were to be delivered within periods varying from eight to eleven months from the dates of their contract—making a total aggregate of working time amounting to sixty-six months. In excess of this constructional period, there was an aggregate delay in delivery of all of these boats of one hundred and sixty-five months, representing penalties incurred amounting to nearly $310,000, not one cent of which was ever imposed or collected, so indulgent was the Government in this matter. By far the longest delays incurred were those due to the final adjustment of the vessels in preparation for their official trials—and in most cases these delays covered periods of eighteen months or more after the Government had made four-fifths of the payments due under the contracts. Mr. Isaac Rice, president of the company, has explained in a fashion how some of this delay was incurred; and he tells us, in substance, that even before his company had secured the contracts for the seven boats in 1900 they began to build the *Fulton* as an experimental craft. This is what he has said further:

The *Fulton* was an experiment, and as changes have proved themselves on her from time to time we tore things out and put other things in and gave the Government the benefit of that without one cent of charge.

If the *Fulton* was an experiment, then the entire group of boats of the *Adder* class contracted for in 1900 were also experiments for which the Government was to pay; and the prime object in building the *Fulton* was to find out possible errors by building first one boat instead of multiplying the mistakes simultaneously on seven. It is perfectly plain that up to the time the John P. Holland Torpedo Boat Company secured the contracts for the boats in 1900 it had no sufficient guarantee of experience to warrant the claims and promises advanced under the terms of those contracts. Mr. Rice has further said in his testimony before Congress, in 1902:

The performance of the *Fulton* was something beyond anything that was ever expected.

As the record of the *Fulton* shows her to have fallen behind the contract requirements of the *Adder* and class, and remembering that Mr. Lewis Nixon, on behalf of the Holland Company—after the

Fulton had been "proved" by her builders—asked for a material reduction in the speed requirements of the boats of the *Adder* class then building, one can reasonably ask what did the Holland Company expect to produce when it made its promises in 1900?

It will thus be seen that the United States Government from the very beginning was footing the bill for the Holland Company's experiments, and further that the national purse was being taxed very heavily to provide a profit for the John P. Holland Torpedo Boat Company.

(To be continued.)

[Scientific American Supplement, March 28, 1908.]

THE RELATION OF THE GOVERNMENT TO THE DEVELOPMENT OF SUBMARINE VESSELS—II.

[In publishing the following letter from Mr. R. G. Skerrett, the editor disclaims all responsibility for the statements made.]

ARE THE AMERICAN PEOPLE IN ANY WAY EXCLUSIVELY SECURED FOR THE HEAVY DRAIN UPON THEIR PURSE FOR THIS EXPERIMENTAL WORK?

Early in January of 1901 the John P. Holland Torpedo Boat Company addressed the chairman of the Committee on Naval Affairs of the House of Representatives regarding additional legislation in the following manner:

The company has spent about $1,000,000 in developing the submarine boat, an invention that is of no benefit commercially to anyone, and can only be used in the defense of the harbors and coasts of the United States. It has a trained body of engineers, electricians, officers and crew, that have for years been in the service of the company at the company's expense studying and perfecting work that is only useful to the Government of the United States.

Rear-Admiral George W. Melville, U. S. Navy, in his testimony before the Naval Committee of the House of Representatives, stated that the five Holland submarines originally ordered by the British Admiralty were contracted for in the fall of 1900—prior to the date of the foregoing letter.

A considerable measure of further enlightenment regarding the degree of patriotism of this company can be gathered from the writings of Sir William H. White, K. C. B., formerly chief constructor of the British navy. Sir William had this to say in one of his contributions to the London Times in 1905:

It may be worth stating, although the facts should be obvious and the statement involves no breach of official confidence, that everything done in France and the United States from 1895 onward in connection with submarine construction was thoroughly well known and carefully considered by the Admiralty at the time. French experience, of course, could not be made available, and it was a fortunate circumstance that at the critical moment the Holland Company came forward, placing the British navy in a position to benefit by their experience and information.

The Admiralty thus insured success in preliminary orders for submarine vessels, because they acquired the accumulated experience of the Holland Company and of Mr. Holland himself, with a guaranty that further improvements made in the United States during the continuance of the agreement should be placed at their disposal through Messrs. Vickers.

HAVE ALL CREDITABLE SOURCES BEEN DRAWN UPON IN DEVELOPING THE SUBMARINE VESSELS FOR THE UNITED STATES NAVY?

Up to and inclusive of 1901 the Navy Department had not asked Congress to legislate for more vessels of that sort. The acts of 1896, 1899, and 1900 were the result of promotive influences exerted upon Congress. The Navy Department was waiting to see how the original *Plunger*, contracted for in 1895, would perform when finished. In 1901, while the Navy had proof of the Holland Company's skill only in the very modest performance of the little *Holland*, the promoters of that boat were busy in Congress endeavoring to secure further legislation for a large number of vessels of that particular type. About this time the attention of the Navy Department was called to the possibilities of another type of submarine vessel, and so impressed were the officials of the Department with the merits of this new design—then having under advisement a letter from the chairman of the Committee on Naval Affairs of the House of Representatives regarding the advisability of ordering more Holland boats—that the board of naval officers responded in part as follows:

Should Congress see fit to authorize any more submarine boats, the Board is of the opinion that no special type should be specified, but that the Secretary of the Navy should be given discretion to contract for such boats as in his judgment are likely to prove the most efficient and best suited for naval purposes, thus opening up competition and giving other inventors a chance.

This attitude on the part of the Department and the advent of another type of boat prevented legislation for the Holland Company in 1901.

The promoters of the new type of boat, the Lake Torpedo Boat Company, of Bridgeport, Conn., confided in the verbal assurances of departmental officials that should the company build a boat at its own expense and submit it to the Government for test, the Navy Department would be only too glad to give it a careful and serious examination with a view to possible purchase. This company of enterprising men—so much faith had it in Mr. Simon Lake's boat—went down into its pocket and began the construction of a vessel representing an outlay of probably $200,000. There was no helping hand from the Government in this case. On the 1st of November, 1902, the boat was launched, and within eighteen months from the date her keel was laid she was ready and running—an example of successful expedition unequaled by the record of any of the submarines yet built for the United States Navy. Early in 1903 the boat was ready, and the Navy Department was so advised.

The Holland Company was not disposed to allow this new rival to walk into the field of submarine construction and to secure recognition without making a stiff fight to retain exclusive patronage. Accordingly, in 1902, the Holland Company sought to secure an appropriation for additional boats of its own particular type. Its efforts brought matters to a climax in Congress and resulted in hearings before the Naval Committee that are full of enlightening details. No appropriation was passed for submarines during that session, the testimony before the Naval Committees being distinctly discouraging to any further partisan legislation. The chief constructor, then Mr. Francis T. Bowles, going on record as opposed to appropriating money for any particular type, further recommended that not more

than one boat should be ordered from any competing builder of submarine vessels, Mr. Bowles's whole contention being inspired by what he considered the best interests of the Government and the advancement of the art.

In March of 1903 Congress passed a bill appropriating $500,000 and authorized the Secretary of the Navy to purchase subsurface or submarine boats after due competitive tests with the submarines then in the Navy—the *Adder* and *Moccasin*, built by the Holland Company, having been finished and placed in commission at Newport, R. I.

Such was the state of affairs when the Lake Torpedo Boat Company tendered its boat to the Navy Department, under date of June 1, 1903, for competitive test, agreeable to the law, with the boats then in the Navy, and in commission at Newport. The Holland Company objected to this on the score that it had overhauled and modified its former test boat, the *Fulton*, and requested the indulgence of a delay until some time in September, when it hoped to have the *Fulton* ready for official examination. There were successive delays, and the *Fulton* was not actually submitted for test until the latter part of May of 1904. The Lake Torpedo Boat Company, which had not had the benefit of governmental aid and which was bearing all the while a burden of expense due to postponement of trials, grew impatient over these delays, and again besought the Department to allow the competitive trials to proceed with one of the rival type of the *Adder* class. In response to the insistence of the Lake Torpedo Boat Company, the matter was referred to Capt. C. J. Train, U. S. Navy, senior member of the board of inspection and survey, who had learned of the performances of the *Protector*. Congressman E. J. Hill, of Connecticut, is responsible for our knowledge of what took place between the Secretary of the Navy and Captain Train. Mr. Hill said to the Secretary and Captain Train:

> Gentlemen, I ask you now to carry out the spirit of the legislation of last year and put a Government boat in this competition; you have six of them. Captain Train replied to me: "It is absolutely useless; I am ready to admit now that the *Protector* outclasses anything which the Government has."

The Holland Company began with the *Plunger*, and, as Mr. Creecy has said, it had nothing to show but plans. That vessel was a failure. The Holland Company next built the *Holland*, which represented "the inventor's most advanced ideas," and we have already seen how far she came from realizing the achievements promised for the *Plunger*. The Government bought the *Holland* and ordered seven larger boats of the *Adder* class, paying for the Holland Company's experimenting by a substantial encouragement amounting to $1,190,000. On the other hand, at its own expense, the Lake Torpedo Boat Company built the *Protector*, and in its first vessel surpassed, so Captain Train admitted, anything yet realized by its business rival. Growing utterly weary of continual postponements and failure to have its boat tried out in the manner provided for by the law of 1903, this enterprising firm sold the *Protector* to Russia, and upon the performance of that craft in the Baltic five more of the same sort were ordered at once and a short while afterwards—the vessel continuing to win official approval—still more of far greater displacement and military possibilities were contracted for.

In 1904 Congress again offered encouragement to open competition, and raised the appropriation of the year preceding by $350,000—making the total sum available $850,000.

It was not until after it became known that the *Protector* was dismantled and would probably not be again ready for trial before the fall of 1904—she was really being got ready for shipment abroad—that the Holland Company notified the Navy Department that it would submit the *Fulton* for test some time in May. Accordingly the *Fulton* was tried out at Newport during the last days of May and the early part of June, and, while her speed performances showed her to be inferior to her sister boats of the *Adder* class, still, because of certain minor modifications, the board reported her to be on the whole an improvement upon her classmates; and while not recommending the purchase of the *Fulton*, it did recommend the ordering of larger boats which were to be improvements upon this latter vessel. These new boats were to be experimental and the Government was to pay the cost.

As soon as the *Protector* had been sold to Russia, the Lake Torpedo Boat Company began the construction of an improved *Protector*, which it notified the Department would be duly submitted for official test agreeably to the act of 1904. Here again there was trouble.

Although the *Protector* had been officially acknowledged by Captain Train to be superior to the *Adder* class, and there was every reason to warrant the belief that the later Lake boat would improve upon her predecessor, still the Navy Department showed no real disposition to give this second evidence of enterprise the reasonable indulgence in time that an undertaking of this sort warranted—although the rival company had been given eleven months in which to perfect its boat after the Lake Company had pronounced the *Protector* ready.

As we have seen, all of the boats of the *Adder* class were many months behind the promised dates of their delivery to the Government, yet this second boat offered by the Lake Torpedo Boat Company was built, launched, and running within seven months from the day her keel was laid. This vessel, commonly known as the *Simon Lake X*, was built at Newport News, Va. The Department declined to test the vessel in the nearby waters of the Chesapeake, and insisted that the boat should be tried in the waters of Narragansett Bay, which was then full of ice and would probably not permit of the proper trial of the vessel before some time in April—meaning a delay of two months or more. Again, the Lake Company had a ready market for its vessel, and the boat was sold to Russia without further delay.

The Holland interests secured orders for four boats under the combined appropriations of 1903 and 1904; and one of these vessels, the *Octopus*—the largest and best—is still in her builders' hands because of a mechanical breakdown during the time of her acceptance trials last summer.

In 1906 Congress again appropriated for submarine boats and provided $500,000 for that purpose, limiting the time in which boats could be submitted under that law to a period not exceeding nine months from the date of the passage of the act. Agreeably to that law, the Lake Torpedo Boat Company notified the Navy Department

that it would submit for trial a third boat, the *Lake*, which had been built by this concern at its own expense. The Department then appointed a board for the purpose of prescibing a general programme for competitive tests and purchase agreeably to the provisions of the act of 1906. This board, for some reason that has never been explained—even though the Department had been notified of the readiness of the *Lake*—set February 18, 1907, as the time and Narragansett Bay as the place for trials, regretting incidentally that the tests must be completed by March 29, 1907, because the climate in Narragansett Bay in February is very severe.

In March of 1907 another act was passed extending the time of test period and authorizing a total appropriation of $3,000,000. In this case, however, the act was passed in such form that the wording became virtually partisan legislation. The *Octopus*, the biggest of the Holland boats then under construction at the Government's expense, and nearing her tardy completion, was made the standard, and the act read as follows:

> No part of this appropriation to be expended for any boat that does not in such test prove to be equal, in the judgment of the Secretary of the Navy, to the best boat now owned by the United States or under contract therefor, and no penalties under this limitation shall be imposed by reason of any delay in the delivery of said boat due to the submission or participation in the comparative trials aforesaid.

This act completely changed the spirit of the law of 1906 under which the Lake Company had submitted the *Lake* to the Navy Department for test agreeably to that company's letter of July, 1906. The *Lake* had not been built to meet any specific requirements, and, naturally, being the third boat the company had built at its own expense for governmental test, the Lake firm did not strive for exceptional speed, which always represents a corresponding increase in cost. She was designed, however, to be a thoroughly efficient instrument of war and a valuable addition to any naval service.

Apart from being guaranteed against the imposition of accrued penalties due to delayed construction of the *Octopus*, the Electric Boat Company was permitted to enter in this contest a craft for which the United States had borne the cost of experimental development; and to win, all that the Electric Boat Company had to do was to make the *Octopus* live up to the contract requirements under which she had been ordered. Had the standard of performance been made equal to results secured in Europe upon a corresponding displacement, the Electric Boat Company would have been confronted with a task that would not have placed the *Octopus* in the same favorable light.

Naturally, under the circumstances, the *Lake* could not be expected to make a superior showing; and because of the restrictive wording of the law the major part of the appropriation went to the Electric Boat Company and seven boats were ordered from that concern. The Secretary of the Navy, however, was fully persuaded that the boats of the *Lake* type possessed distinct merits, and he believed that that company could produce vessels of high military value; but he felt obliged to defer to the Attorney-General for an opinion regarding the Department's power to enter into a contract with the Lake firm in view of the wording of the law of 1907. The Attorney-General decided that the Department could so contract with that *company*. Secretary Metcalf, therefore, has ordered a boat of the

Lake type of 500 tons displacement, but not one penny is to be paid until the vessel has been finished and tried and formally accepted by the Navy Department. Once again the Lake firm is obliged to foot this bill and to embark upon a fourth enterprising venture to secure governmental recognition. This is entirely contrary to the character of the contracts with the Electric Boat Company, which receives regular installments from the Government as the work on its vessels proceeds—the question of the meeting of the contract terms being, of course, undecided until the vessels have been actually tried.

If the vessels of the *Holland* type are all that is claimed for them, there should be no need of so wording the present appropriation bill that the field should be narrowed down to boats of their particular type; their merit would speak for itself.

The inventive mind of America is too fertile to be hedged in by legislative prescription, and it is only fair to native genius and to national security that our money should be allowed to produce for us the best instrument or means of seaboard defense that the state of the art can provide. No sane student of naval affairs now denies recognition to submarine craft, but he realizes, nevertheless, that the art is essentially a new one, that it is experimental, and that developments and changes are likely to be both rapid and radical. Let Congress recognize these facts and keep the field open to everyone.

ROBERT G. SKERRETT.

15 WILLIAM STREET, NEW YORK, *March 12, 1908.*

[Scientific American, March 21, 1908.—Editorial.]

COMPETITION IN SUBMARINE CONSTRUCTION.

The matter of submarine legislation has reached a critical point in this country, and the letter on the subject, by Mr. R. G. Skerrett, published in the current issue of the Supplement, calls for serious consideration alike in the name of the American inventor, our seaboard defense, and the general development of the art of submarine navigation. Nearly all of the maritime nations of the earth have given practical recognition to submarine craft. France has gone through all the vexations of thrashing out this subject, and has paid a very heavy price for the lessons she has learned. Next in the importance of the work done comes Great Britain, and after Great Britain, Russia, Italy, Germany, Austria, Norway, and Sweden fall into the order named in the respective importance of their work in this field.

All of these countries have settled upon an even-keel method of submergence for their latest boats. It should be explained that the "diving" or plunging type, to which the Holland boats belong, submerges on an inclined keel, pointing nose downward. The submersible type, as represented by the Lake boats, submerges on an even keel by means of hydroplanes. The undeniable trend in European countries is toward a sea-keeping type of craft of the "submersible" order. This is particularly true of Great Britain, which began her submarine construction in 1900 by ordering five boats of the Holland design, which were duplications of the *Adder* class then building for

the United States Navy. These boats were bought as a basis for experiment, and the Secretary of the Admiralty is authority for the statement that, "even before the first Holland submarine was launched, they had already evolved and laid down what is known as the 'A' type." The accidents that followed among the vessels of this class, and especially the self-impelled plunge of the unfortunate *A 8*, led the Admiralty to considerably modify the method of submergence when they built the boats of the "B" class. To avoid the initial headlong plunge of the diving type, the British Admiralty fitted hydroplanes on the boats of the "B" class, and were thus able to make the vessel submerge more nearly on an even keel. This feature was improved upon in the boats of the "C" class that followed, and it is said that the vessels of the "D" class will be essentially even-keeled boats. At the same time, the reserve of bouyancy of the British submarines has been materially improved, and their superstructures so increased as to substantially bring them into the submersible class. It will thus be seen that these vessels have radically departed from the Holland type of boats which formed the basis for their development, and it is not correct to liken the British craft to the Holland submarines built or building for the United States Navy.

Mr. Francis T. Bowles, when chief constructor of the United States Navy, gave much serious study to the matter of submarine craft, and he informed the Naval Committee of the House of Representatives in 1902 that "most people who studied the submarine boat held the opinion that it is better to change levels while under way by maintaining a level keel, and that would be by the use of what are called hydroplanes." It will thus be seen that Mr. Bowles prophetically anticipated the opinion since confirmed by every European experimenter in this branch of naval architecture.

Apart from the advantages of safety and control thus secured, and aside from the facility with which this system of control can be mastered by men new to the work, the even-keel submergence offers the best lines for development and increase of displacement, because the vessel's length is not a feature that affects the safety with which the boats may be submerged in moderate depths of water. As submarine vessels increase in length and in submerged speed, the risk of striking the bottom head-on grows if the vessel must be made to submerge by plunging bow first, and every foot that is added to her length increases the risk, even when a change of trim is made of only a few degrees.

Congress has taken the attitude—so far as the bill recently reported by the Naval Committee of the House of Representatives may be taken as an index—of favoring still further the diving type of boat; and this in the face of the unanimous opinion in favor of the type which submerges on an even keel which is entertained abroad. It seems to us that the time has come to call a halt in this legislative adherence to one type, and that it is time that the Government gave serious consideration to the even-keel type, which has become standard in European practice.

The submarine boat is even yet in the early stages of its development; and now that the Government has entered upon the construction of submarines on an extensive scale, we may look for the appearance of yet other competitive submarine-boat builders in the American market. It is only fair to them and to the nation that all of them

should be given a fair chance in assisting the country to produce vessels equal to, if not the superior of, those being built abroad. Open competition will not only reduce the cost per ton of the boat, but it will act as a spur to the inventive mind, and will enlist the country's best technical skill in a rivalry that must result in national benefit.

We draw attention to Mr. Skerrett's letter in the Supplement as presenting the view of one who believes that the field of competition has not been free from the bias of partiality. As to how far he proves his case it is not for us to say, but the letter is illuminating, as giving a clear view of one side of the present submarine controversy. The facts of the case are, however, in a fair way to be established by the investigation now being conducted by Congress into the charges preferred by Congressman Lilley.

[Harper's Weekly, April 4, 1908.]

THE INVISIBLE NAVY.

By Robert G. Skerrett.

The partisans of the submarine type of naval vessel have precipitated a pretty wrangle in Congress by dropping two of the four battle ships recommended by the Navy Department, and substituting in their stead an additional number of under-water craft. Apart from raising a rumpus in the Capitol, this action has fostered widespread and erroneous ideas concerning the real value of submarine vessels.

Whatever may be the present fighting worth of the submarine boat—and it has an admitted value—it would be hard to find a serious-minded student of naval affairs willing to jeopardize his reputation by comparing the fighting efficiency of the submarine to that of the modern battle ship. The battle ship and the submarine boat have distinct fields of usefulness, and the standard of naval power is now and probably always will be based upon the number of battle ships available. Should Congress, however, provide for more submarine boats, the field should be open to all builders and inventors because of the rapid developments that are taking place; and it behooves the American people to know something about the present state of the art in this new field of naval construction.

Only a few years ago all under-water boats were called submarines, and no effort was made to indulge in precise distinctions. This persisted until 1897, when Monsieur Laubeuf, of the French navy, brought out his boat, the *Narval*, which, by way of designation, he termed a "submersible." His idea was to characterize his craft as a vessel that might be submerged, but which ordinarily was to run on the surface, and to have there much of the outward appearance common to the French torpedo boats of that date. Monsieur Laubeuf had built the *Narval* in competition with the older submarine *Gustave Zédé*—a vessel lying very low upon the water, built with a cigar-shaped form of hull, and possessing very limited endurance and habitability. Because of her form of hull the *Gustave Zédé* also had a tendency to plunge head first when running submerged, and despite improved methods of control it has never been possible to make her run with less than an inclination of 5°. When pitching and rolling

she frequently spilt the acid out of her batteries, and this made the atmosphere within the boat quite unbearable. In order to give his vessel sea-keeping qualities, Monsieur Laubeuf shaped her hull like that of a surface craft. This gave her a considerable measure of freeboard or body above water, and offset the inherent tendency to dive peculiar to the cigar-shaped hull. In addition to this, he fitted his boat with hydroplanes—side fins, or submerging rudders—symmetrically disposed forward and aft, and by means of these he was able to force the *Narval* under water on an even keel, thus avoiding all risk of spilling the electrolyte out of his batteries or assuming hazardous inclinations.

All submarine vessels are brought to a condition of readiness to submerge by taking in water ballast in suitably arranged and controlled tanks. This causes more of the boat to sink below the water's surface, and finally leaves her with only a small part of her conning tower out of water. The remaining part above water represents what is called "reserve buoyancy." This buoyancy varies generally from 200 to 1,000 pounds, depending upon the size of the craft; and it is to overcome the permanent tendency to rise represented by this reserve that pressure is brought to bear upon the submerging rudders or the hydroplanes in order to make the boat sink after she is once put in motion.

Now, the amount of water that must be taken into a submarine vessel to bring her body sufficiently below the surface for readiness to dive constitutes one of the two prime distinctions between the submarine and the submersible. In the submarine only from 5 per cent to 12 per cent of her total submerged bulk lies above the surface when she is in her lightest condition, and accordingly nearly that percentage of water ballast must be pumped into her tanks to bring her down to the required condition preparatory to running submerged. In a submersible, on the other hand, two, three, and even four times this percentage of water ballast must be pumped into her tanks in order to reduce the vessel's reserve of buoyancy so that she may be forcibly made to sink out of sight. It is the height out of water or reserve of buoyancy of the submersible which gives her her superior sea-keeping qualities, which permits the vessel to be driven safely on the surface at higher rates of speed, and which contributes in other ways to the efficiency, the habitability, and the military value of the craft.

The second prime difference between the submarine and the submersible lies in the form of hull. As the great bulk of the true submarine always lies below the surface, the first aim of the designer is so to form that hull that it will offer the least resistance to the water. Experience has proved that a cigar-shaped body is the best for this purpose, but it is not the best for surface navigation. The submersible, on the other hand, relying primarily upon surface speed to cover long distances that she may the sooner reach the field where she must act as a submerged craft, has a ship-shaped body which enables her to attain this end better than the submarine. When running submerged, however, this form of hull offers more resistance to the water than that of the cigar-shaped body. The submersible can go farther seaward, can hold her station longer, and can face weather conditions that would put a submarine out of action. While her submerged speed is less than that of a submarine of corresponding

displacement, yet she is a far more formidable craft because of her wider field of usefulness and the measure of habitability and comfort that her sea-keeping faculties assure her crew.

When the submersible was first designed, her great reserve of buoyancy promised to be a serious handicap, because of the length of time taken to fill her ballast tanks with the measure of water needed to bring her into readiness to run submerged. In the earlier French boats this took nearly half an hour, as compared with the five or six minutes required by the submarines of that date to reach the same stage. Improved pumping facilities and a better system of handling these large volumes of water have revolutionized this feature, and in the comparative tests between the submarine *Z* and the submersible *Aigrette* of the French service, in 1905, the latter boat actually beat the submarine in this very particular. Since then France has concentrated her efforts upon the development of the submersible.

In 1902 Great Britain was forced, by reason of French activity in the field of submarine navigation, to subscribe to popular demand, and a certain number of Holland boats similar to our vessels of the *Adder* class were ordered by the British Admiralty for experimental purposes. Almost before the last of this initial group of five was finished the British naval authorities had undertaken improvements on their own initiative, and the *A 1* was the pioneer vessel of the so-called "Admiralty" type. The *A 1* was not a thoroughly satisfactory vessel, but before her fatal sinking in 1904 she had satisfied the Admiralty that they were making departures in the right direction. They had bought the experience paid for by the United States Government in developing the *Adder* class, and our British brothers were intent upon going ahead of us. The rest of the boats of the "A" class—twelve in number—contained various improvements, but all of them retained the cigar-shaped form of hull, with its limited stability and its hazardous tendency to plunge voluntarily, and all of them were characterized by the very moderate portion of their bodies remaining above water when the vessels were in their lightest trim. The speed of these boats had been steadily increasing, and yet nothing had been done to raise their bows out of water, so that when running rapidly the mass of the bow wave should not fall on the vessel's upper body and tend to weight her down by the head. This omission was given fatal emphasis by the sinking of the *A 8*. That vessel was running in a smooth sea at a speed of 10 knots an hour and with a considerable reserve of buoyancy. Her stern had been made to dip a couple of degrees, in order to bring her bow up, and yet the volume of water sweeping upon her deck forward forced the boat under before her engines could be stopped, and 15 lives paid the penalty.

In the succeeding boats of the "A" class, and in the later vessels of the "B" and "C" classes, a superstructure of limited proportions was built upon the cigar-shaped body of the main hull. The primary intent of this was to increase the reserve of buoyancy in the light condition, to cause their bows to rise more easily to the sea, and to make the boats more stable and less liable to dive voluntarily when running on the surface with their buoyancies somewhat reduced. Model tank experiments in this country had previously disclosed this tendency peculiar to the diving boat with the cigar-shaped form of hull.

In order to obviate as far as possible the angle of dip needed to drive the diving boats of the "A" class initially under water, the British authorities placed a single pair of hydroplanes on the vessels of the "B" class, and located them in the middle of the boat just forward and near the base of the conning-tower. They projected horizontally—one on each side—like a pair of short, broad oars. They were intended to supplement the diving action of the diving rudder at the stern, by causing the vessel to sink bodily. They did not exercise any control over the vessel's horizontal trim. However, they constituted an improvement.

The diving boat goes under water head first by reason of the tilting action of horizontal rudders placed at the stern of the vessel, and to give this type of submarine facility in this maneuver the craft is purposely made instable in a fore-and-aft direction, and in this particular may be popularly likened to a slightly sluggish seesaw. The disadvantages of this method of getting under water increase as the vessel grows longer, and it becomes a still more serious matter as the vessel's speed is raised, and especially so when operating in waters of moderate depth. The even-keel boat simply goes down on an even keel and assumes none of these dangerous angles; and, unlike the diving boat, she works better the more stability she is given.

In time of nervous stress the best-trained man is liable to err. In the case of a diving boat running at high speed submerged this might cause the vessel to assume a dangerous angle of inclination and either to strike the bottom or to invite peril in a number of different ways. The same oversight or lapse on the part of the man in control of the hydroplanes of an even-keel boat, however, would result merely in the vessel going slowly deeper without changing the direction of her line of motion. The diving rudderman must be skilled by months of careful training in his office of balancing the great seesaw which his vessel virtually becomes; while the hydroplane man can be taught all that is required of him in a few hours, and his task is quite as simple as that of controlling a slow-speed elevator.

Within the past year France has increased her force by ten submersibles, Austria has ordered two more, and Norway has ordered one. England has ordered sixteen more submarine vessels, and thirteen of these belong to the "D" type, which are more nearly submersibles than submarines; while the United States has ordered seven more submarines and a single submersible. It is to be hoped that the advent of this single submersible in our submarine flotilla marks the beginning of a serious official determination to test the relative merits of both types.

LIST OF WITNESSES.

	Page.
Adams, Clement E	1154
Barnett, Maurice	665
Bates, Arthur L	1723
Berger, Clarence L	685
Bowles, Francis Tiffany	1732
Browne, Grant Hugh	1463
Busbey, L. W	345–381
Butler, Marion	122
Butler, Gen. M. C	72
Butler, Thomas S	342
Cameron, Charles D	1570
Capps, Washington Lee	289
Carmichael, Jesse L	768
Carvalho, David N	1369–1730
Clarkson, Edgar L	334
Clayton, Henry D	342
Creecy, Charles Eaton	79–102
Creecy, E. W	100
Cummings, T. P	1760–1775
Curtis, F. S	899–900
Delehanty, John	1758
Delhommer, Mrs. M. E	1767
Edinborough, Frank L	695
Ellis, William R	1629
Erly, Angus A	778–1039
Ferry, Charles	672
Flint, Charles R	1423
Foss, George E	1633
Frost, Elihu B	490–514
Gordon, Wm. D	389
Gray, A. W	68
Hay, James, jr	1314
Haynes, A. M	1209
Hobson, R. P	63
Johnson, Norman G	727
Kahn, Julius	663
Kellogg, John P	369–381
Kerr, Dr. W. R	116
Kinsley, William J	1392
Lake, J. C	1210
Lake, Simon	901–1059
Leuman, William G	1755
Lilley, Geo. L	27, 66, 785, 1319, 1363, 1499, 1517, 1526, 1544, 1571
Lord, Frank B	250
Loud, Geo. A	774
McNeir, Chas. S	138
Matlack, M. E	1262–1295
Metcalf, Victor H	264
Michel, H. S	1764
Micou, Benjamin	747
Neff, Abner R	904, 1174, 1309, 1489
Osborn, Albert S	1401–1478
Padgett, Lemuel P	1726
Pemberton, F. R	757
Porteus, William A	1763, 1774
Rice, Isaac L	424
Rothermel, John H	1543
Sands, Francis Preston Blair	107–138
Sherman, James S	1725
Skerrett, Robert G	792, 899, 900
Spear, Lawrence	204–512
Spencer, T. E	1627
Taylor, Franklin A	471
Theall, E. S	1543
Thompson, Royal W	1710
Thurston, J. M	1049, 1173, 1206, 1421
Treadwell, August, jr	740
Vreeland, Edward B	790
Webber, Fred N., sr	1720
Webster, Benjamin	1263, 1296, 1315, 1488, 1516, 1526, 1531, 1637, 1716
Woodward, Thomas J	1766
Wooley, R. W	104–780

INDEX.

Page.

ADAMS, CLEMENT E., Bridgeport, Conn 1154
Affidavit of, concerning Archibald article (Lilley exhibit) 365
Testimony of—
Affidavit of, made in office of Carl Foster 1167
Archibald, J. F. C.—
Called at office frequently 1167
Collier's Weekly, war correspondent for 1168
Electric Company, generally known as in employ of 1171
Lake boat, requested permission to examine 1169
Lake Company, never connected with 1168
Lake, J. C. gave letter of introduction to 1169
President, said report made to 1171
President going on private mission for 1168
Whereabouts, do not know 1171
Attorney-General, knew of reference of acts to 1157
Banquet by J. C. Lake, know nothing of 1166
Connecticut newspapers, do not furnish news to 1172
Duties of, at Washington 1159
Heath, Spencer, patent attorney for Lake Company 1172
Johnson, Arthur—
Electric Company, salary paid to 1170
Employed by Electric Boat Company 1169
Lake Company, books of account, have charge of 1154
Newspaper man in Washington 1169
Requested information of, concerning Archibald 1169
Lake, J. C.—
Also employed by 1160
Directed affairs of Lake Company 1164
Investigation, knew was pending 1163
New Orleans, sailed for, March 18, 1908 1160
Now at Grand Union Hotel, New York 1163
Lake, Simon, brother-in-law of 1154
Members of Congress—
Never entertained 1156
None called at Washington office 1167
Navy Department, never connected with 1155
Newport trials, not present at 1156
Skerrett, papers, none forwarded to 1166
Webber, Mr., conversation with 1167
Testimony relative to—
Affidavit—
Statement concerning (Lake) 1110
Made by (Lake) 1109
ADDER (*see* Submarines, competition in):
Testimony relative to—
Construction, cost of (Bowles) 1734
AFFIDAVITS:
Ferguson and J. C. Lake—
Came by mail (Neff) 905
No typewritten copies of (Neff) 905
Presented to Mr. Lilley, nothing else (Neff) 905
Statement concerning (Neff) 904
Giving to newspapers, statement as to (Lilley) 1325
Lilley authorized giving out of (Webster) 1266

Page.

ALDRICH, NELSON W. (a Senator from Rhode Island):
Testimony relative to—
Flint met on coming to Washington 1440
ALEXANDER, Mr.:
Testimony relative to—
No arrangement with, nor others (Skerrett) 864
AMERICAN BRASS COMPANY, Ansonia and Waterbury, Conn.....
Testimony relative to—
Negotiated contract with (Bowles) 1739
AMERICAN WATERS, Lake and boats of Electric Boat Company, only submarines in (Skerrett) 847
ANKENY LEVI, a Senator from Washington)
Testimony relative to—
McNeir. Chas. S., called on concerning submarines 140
ANONYMOUS LETTERS. (*See* Letters, anonymous.)
APPROPRIATION FOR SUBMARINES, reference to proceedings in Naval Committee on (Lilley) 39
APPROPRIATION OF 1907:
Testimony relative to—
Contention against giving one-half of, to Lake Boat Company (Gordon). 417
Contention as to division of (Gordon) 417
Division of, between Lake and Electric Boat companies (Gordon).... 416
APPROPRIATIONS:
Testimony relative to—
Discretion of Secretary of the Navy in expenditure of (Rice) 467
How apportioned in Navy Department (Skerrett) 858
Naval act of 1907, discussed with Lilley (Kellogg) 379
ARCHIBALD, J. F. C.:
Affidavit of Adams concerning article by (Lilley exhibit) 365
Employed to go to Venezuela and Peru (Rice) 466
Report of, to the President (exhibit) 1776
Roosevelt, Theodore, letter from, concerning (Lilley exhibit) 365
Testimony relative to—
Electric Company, generally known as in employ of (Adams) 1171
Lake boat, requested permission to examine (Adams) 1169
President of the United States, going on private mission for (Adams). 1168
ARGONAUT:
Testimony relative to—
Not a competitor of Holland (Rice) 429
ARMOR PLATE:
Testimony relative to—
Prices, know nothing of (Lilley) 1360
ARMY AND NAVY JOURNAL:
Article from—
January 30, 1906 (Lilley exhibit) 363
March 14, 1908 (Lilley exhibit) 357
October 26, 1907 (Lilley exhibit) 359
ARMY AND NAVY REGISTER:
Article from, March 14, 1908 (Lilley exhibit) 357
Testimony relative to—
Obtained information from (Skerrett) 819
ASSISTANT SECRETARY OF THE NAVY:
Testimony relative to—
Appeared before, on all occasions (Gordon) 396
Appropriation of 1907, appeared before concerning (Gordon) 416
From what State (Rice) 465
Interviews with (Gordon) 420
ASSOCIATED PRESS:
Testimony relative to—
Affidavits furnished by Webster 1266
ATTORNEY-GENERAL:
Opinion as to submarine contracts (exhibit) 271
Testimony relative to—
Brief of Electric Boat Company referred to, in July, 1907 (Gordon).... 396
Thurston submitted brief to (Lake) 1092

Page.

ATTORNEYS:
Testimony relative to—
Assumed in other districts because in mine (Lilley) ... 1578
Contingent contracts with (Rice) ... 444
Districts of Naval Committee members (Lilley) ... 50, 51–52
Electric Boat Company's employment in Congressional districts (Lilley) ... 49
Electric Company, employed by (Lilley) ... 1560
Electric Company, employed by, in districts (Lilley) ... 1572, 1573
Employment of, by Electric Boat Company (Rice) ... 426
Hobson's and Padgett's districts (Lilley) ... 51
Hunton and Butler, as to those besides (Rice) ... 465
Lake Company's—
Consulted with (Lilley) ... 53
Not approached by (Lilley) ... 53
Method of employing (Rice) ... 450
Names of, not furnished by Neff or Thurston (Lilley) ... 56, 57
None to secure appropriations or orders (Rice) ... 458
Propriety of—
Appearing before Departments or committees of Congress (Micou). 751
Preparing bills or amendments (Micou) ... 752
Witnesses named as, will discover more (Lilley) ... 49–50
AUDITORS:
Testimony relative to—
Lilley, asked for employment by (Webster) ... 1306
AUSTRIA:
Testimony relative to—
Lake Company, contracts with (Lake) ... 1097
BABCOCK, W. I.:
Testimony relative to—
Subsurface Company, naval architect and vice-president for (Berger) .. 688
BAKER, FREDERICK:
Testimony relative to—
Residing in London at present time ... 1066
BAKER, MR., of Iowa:
Testimony relative to—
Submarines, interested in (Charles Eaton Creecy) ... 81
BANKHEAD, J. H., a Senator from Alabama:
Hobson, R. P., indorsed for naval committeeship by ... 343
BANNON, HENRY (a Representative from Ohio):
Testimony relative to—
Interview, assisted Lilley to correct (Wooley) ... 788
Lilley consulted with (Neff) ... 1205
Present at conferences with Senator Thurston (Lilley) ... 54
BARNETT, MAURICE, secretary and treasurer of the Electric Boat Company, New York City ... 665
Subpœnaed ... 422
Witness—
Desired as ... 16
Subpœna of, as, insisted upon (Lilley) ... 23
Testimony of—
Book, papers, and records of company in custody of president (Rice) .. 672
Campaign contributions, none made by company ... 667
Legislative appropriation for submarines, no money expended to procure ... 670
Newspapers not subsidized by Electric Boat Company ... 667
Officers of company who are authorized to incur expenses ... 668
Official duties of ... 665
BARRY, RICHARD (Bureau of Supplies and Accounts):
Testimony relative to—
No reports received from (Skerrett) ... 882
BATES, ARTHUR L. (a Representative from Pennsylvania) ... 1723
Testimony of—
Battle ships and submarines, no connection between ... 1724
Lilley found fault with action of Naval Committee ... 1724
Lilley resolution, saw before introduction ... 1724
Resolution, statement of Lilley, concerning withdrawal of ... 1724

BATES, ARTHUR L.—Continued. Page.
Testimony relative to—
Electric Boat Company has no agent or attorney in district of (Frost).. 499
Naval Committee, talked with, after vote in (Neff)..... 1497
Neff, Abner R.—
Conversation with..... 1177
Private secretary to..... 1174
Submarine, went down in with Lilley (J. C. Lake)..... 1249
BATH IRON WORKS:
Testimony relative to—
Berger Company to build boat for, in case of contract (Micou)..... 751
Lake Boat Company, contracts with, for building boats (Metcalf)..... 279
Lake boat to be built at (Lake)..... 1075
BATTLE SHIPS:
Testimony relative to—
Construction of, urged as well as submarines (Kellogg)..... 370
Vote on in committee, do not remember (Lilley)..... 1511
BATTLE SHIPS AND SUBMARINES:
Testimony relative to—
No connection between (Bates)..... 1724
No connection between (Padgett)..... 1727
BAUDOIN, LIEUTENANT-COMMANDER, Dutch Navy:
Testimony relative to—
Might have given information for newspaper article (Skerrett)..... 868
Visited United States (Skerrett)..... 868
BAUGHMAN, GEN. L. VICTOR, did not know (Rice)..... 450
BAYONNE, N. J., Electric Boat Company, plant at (Spear)..... 240
BEERS AND FOSTER:
Testimony relative to—
Attorneys for Lake Boat Company (Lake)..... 1069
BELMONT, O H. P., as to yacht Electric Boat Company negotiated for (Rice)..... 454
BERG, HART O.:
Testimony relative to—
Agent of Lake Company, reference to (Rice)..... 439
Employment of, as to (Flint)..... 1456
Flint & Co., member of (Lake)..... 1095
BERGER, CLARENCE L., patent attorney and consulting engineer, 27 Grammercy Park, New York..... 685
Subpœnæd..... 422
Testimony of—
Babcock, W. I., naval architect and vice-president Subsurface Company..... 688
Crane, Clinton, naval architect, Subsurface Company..... 688
Cuyler, C. C., president Subsurface Boat Company..... 685
Herbert, Hilary A., ex-Secretary of Navy, represented Subsurface Company..... 691
Hobson, R. P.—
Explained details of subsurface boat to..... 689
Only member of Naval Committee acquainted with..... 690
Littlefield, C. E., bill introduced by, for subsurface boat..... 692
Micou, Benjamin, counsel for Subsurface Company..... 688
Subsurface Boat Company, list of letters and documents received from, by Secretary of Navy..... 691
Subsurface boats, proposed Government contracts, details of..... 690
Subsurface Torpedo Boat Company, consulting engineer for..... 685
Subsurface torpedo boat, description of..... 686
Testimony relative to—
Subsurface boat, appropriated for, by Congress..... 687
BERGER SUBSURFACE TORPEDO BOAT COMPANY:
Testimony relative to—
Boats, does not manufacture..... 751
Could not compete before October 1, 1908 (Skerrett)..... 897
Herbert and Micou, attorneys for..... 147–748
Members of Congress, none stockholders or directors in (Pemberton).. 758

Page

BERLIN.
Testimony relative to—
Headquarters in (Skerrett) ... 879
Left United States to go to, March 4, 1905 (Skerrett) ... 888
Who in Washington knew address in (Skerrett) ... 880, 881
BERLINER TAGEBLATT, German paper quoted (Rice) ... 434
BESSELIEVRE, do not recall talking to, about Nelson report (Skerrett) ... 860
BIDDIS, Mr., intimately associated with, no information requested from (Skerrett) ... 865
BIDS, under act of 1907 ... 1848
BOARD ON CONSTRUCTION:
Recommendations as to submarine contracts June 22, 1907 (Appendix A). 308
Recommendations as to submarine contracts June 28, 1907 (Appendix B). 311
Testimony relative to—
Composition of (Metcalf) ... 269
Legislation, hands tied by (Lake) ... 1094
Price of boats, recommended reduction on bid (Capps) ... 290
Protector, requested building of (Lake) ... 1093
Qualified to criticise findings of (Skerrett) ... 895
Report of, on *Octopus*, reference to (Skerrett) ... 887
Submarines, price of, fixed by (Spear) ... 242
BONAPARTE, CHAS. J. (*See also* Attorney-General.)
BOSTON HERALD:
Testimony relative to—
Article from (Lilley exhibit) not true (Ferry) ... 680
Bribery charge in, denial of (Taylor) ... 478
Extract from (Lilley) ... 33
BOUTELL, H. S. (a Representative from Illinois):
Appointed chairman of committee under H. Res. 288 ... 3
Committee, powers and duties of, statement as to ... 26
Detectives, Members will be protected from annoyance by ... 68
BOWERS, E. J. (a Representative from Mississippi):
Testimony relative to—
State delegation, indorsement of, suggested Hobson get ... 337
BOWLES, ADMIRAL FRANCIS TIFFANY, Fore River Shipbuilding Company, Quincy, Mass ... 1732
Lilley requests summoning of ... 1368
Testimony of—
Adder, construction cost of ... 1734
American Brass Company, negotiated contract with ... 1739
Brooker, Charles F., negotiated contract with ... 1739
Cost of submarines not figured on tonnage basis ... 1750
Electric Company, constructed submarines for ... 1732
Ferry, Charles—
Did not mention name of Lilley ... 1739
Did not offer contract to, for aid in legislation ... 1738
Requested interview of Hill, by ... 1738
Lake contract, as compared with Electric ... 1746
Lilley did not request influencing of, by Ferry ... 1738
Materials used in construction, quality of ... 1736
Navy Department, formerly connected with ... 1732
Octopus—
Construction, cost of, and specifications ... 1733
Construction exceeded contract price ... 1743
Patents, figure in cost of submarines ... 1742
Patents on submarines, know nothing of ... 1737
Submarines and other ships, no basis of comparison between ... 1741
Submarines—
Construction, cost of ... 1733
Contract prices of ... 1733
Strength requisite for ... 1740
Taylor, Franklin; not acquainted with ... 1739
Test of submarines, cost of ... 1737
Testimony relative to—
Ferry requested by, to help Electric Company (J. C. Lake) ... 1212
Profits in submarines (Lilley) ... 43

BROWNE, GRANT HUGH—Continued. Page.
Testimony of—
Lake Company—
Did not know capitalization of.... 1465
No interest in.... 1470
Lake insisted on 5 per cent royalty in case of consolidation.... 1473
Lake patents of value to Rice.... 1465
Lilley investigation, discussed with Rice.... 1468
Organizations effected.... 1464
Rice, Isaac L.—
Afraid some one watching him.... 1468
Authorized no offer to be made.... 1473
Called on, and left memorandum.... 1471
Conversation with, purchase of Lake interests.... 1467
Refused to go to Flint's house.... 1468
Suggested purchase of Lake business, to.... 1464
Testimony of, partly untrue.... 1470
Would have made trade had Lake won out.... 1467
Testimony relative to—
Concerning amalgamation of boat companies (Rice).... 445
Conference arranged by, between whom (Rice).... 447
Consolidation of companies, conversation with concerning (Flint).... 1425
Correct name.... 1425
Electric company—
Did not act as emissary of (Flint).... 1425
Did not regard as authorized agent of (Flint).... 1428
Has never stated he represented (Flint).... 1433
Flint, Chas. R., came to Lake from.... 1103
Investigation, conversation concerning (Flint).... 1436
Lake interview, reported result to (Flint).... 1426
Negotiated to sell out Lake Company (Rice).... 436
Not acquainted with (J. C. Lake).... 1241
Not in employ of (Flint).... 1444
Promoter (Rice).... 436
Said Bulkeley could stop investigation (Rice).... 445
BULKELEY, M. G. (a Senator from Connecticut):
Testimony relative to—
Brown said could stop investigation (Rice).... 445
Lake acquainted with.... 1092
Not acquainted with (Flint).... 1435
Secretary of Navy called on as to question of discretion.... 278
BUSBEY, L. W., secretary to the Speaker.... 345
Testimony of—
Committeeships, concerning applications for.... 345
Hobson, R. P., appointment left to Williams.... 348
Huttig, C. A., letter recommending Hobson.... 345
Minority Members, as to committee assignments of.... 346
Williams, J. S., recommended Hobson for Naval Affairs.... 347
BUTLER, MARION, Ex-United States Senator, attorney at law, Bond Building, Washington, D. C.... 122
Witness, desired as.... 17
Testimony of—
Amendment drawn by, provided for competition.... 132
Attorneys and agents in Washington, as to.... 131
Attorneys in Congressional districts, know of none such employed by company.... 133
Best boat Electric Company had.... 127
Best policy for company, outline of.... 123
Competition—
As to items in naval bill being conducive to.... 129
Electric Boat Company does not object to.... 136
Elimination of, without foundation.... 131
Proper policy.... 132
Congress, committees of, did not appear before.... 123
Contract with company verbal.... 126
Electric Boat Company, attorney for, in Washington.... 122
"Lobby, organized," protest against charge.... 135

BUTLER, GEN. M. C.—Continued. Page.
Testimony of—
Lobbying, discussed in Grist *v.* Childs (20 Wallace) 78
Naval Affairs Committee—
Nature of arguments presented to 75
Suggestions to 76
United States Senate, service on 76
Naval Committee, made arguments before 73–74
"Organized lobby"—
Denies belonging to 79
Explanation requested as to 78
Papers and letters at home 78
Potomac River, demonstration of the *Holland* 77
Request for early examination 71
Rice, talked with, in general way 77
Senate service ended March 9, 1894 73
Senator, addressed no argument to any individual 75
Shelter Island, first saw Holland boat at 75
Submarines—
First Government contract 75
In experimental stage, when employment began 75
Termination of contract 74
Testimony relative to—
Ability and influence of (Rice) 464
Associated with Charles Eaton Creecy 80
Denied having influence (Rice) 463
Employment confined to appearing before Senate committees 80
Employment, effect on, of relations with Tillman (Rice) 465
Holland Boat Company, said to have been retained by 5
No commission paid to (Rice) 458
No contingent-fee contract with (Rice) 463
No recollection of discussing with, votes of Members of Congress (Rice). 463
Submarines, amendment drawn for, by (Charles Eaton Creecy) 96
Written contract with company 80
BUTLER, THOMAS S. (a Representative from Pennsylvania) 342
Testimony of—
Loudenslager, H. C., at Department with, once only, ten days ago 342
Roberts, E. W., never at any Department with 342
Secretary of the Navy, never talked to, concerning construction of a boat 342
Sherman, J. S., never at any Department with 342
Testimony relative to—
Electric Boat Company has no agent or attorney in district of (Frost) .. 498
Secretary of the Navy—
Called on as to question of discretion (Metcalf) 278
Correction of statement concerning 300
CALLAHAN, EDWARD W., Chief Clerk Bureau of Navigation:
Testimony relative to—
Acquainted with (Skerrett) 859
Do not recall speaking to about Nelson report (Skerrett) 859–860
May have requested information from (Skerrett) 863
Wrote to for reports (Skerrett) 881
CAMERON, CHAS. D., newspaper correspondent, Washington, D. C. 1570
Testimony of—
Webster, not acquainted with (Cameron) 1571
Testimony relative to—
Detroit Journal, correspondent of, at Washington 723
CAMPAIGN FUNDS:
Testimony relative to—
Charges as to, based on rumor (Lilley) 1580
Contributions to—
Charged 8
Discussed (Lilley) 60
None made (Rice) 432, 440, 462
None made without his knowledge (Rice) 440

CAMPAIGN FUNDS—Continued. Page.
Testimony relative to—
Electric Boat Company—
Charged with contributing to 5
Has made none (Barnett) 667
Has made none (Johnson) 735
Has not made (Frost) 503
Not made by (Treadwell) 740
Electric Company's books will show (Lilley) 1324
How to ascertain if made (Lilley) 32
Lilley, charges as to (Lord) 251
Lilley charges as to, no knowledge of (Lake) 1082
Naval Committee, members of, contributions to, for and against (Lilley) 28
No contributions to, in favor of Congressmen (Kellogg) 381
No contributions solicited from (Rice) 440
No knowledge on subject (Kellogg) 381
No money expended for, by Holland Boat Company (Rice) 462
None expended to elect or defeat Lilley 60
Pays his own (Gregg) 69
Received no contributions to (Gregg) 69
CAPPS, ADMIRAL WASHINGTON LEE, U. S. Navy 289
Testimony of—
Board on Construction, recommended reduction in bid price of boats. 290
Chief Constructor, appointed October 31, 1903 291
Contracts for submarines not comparable with those of other vessels... 291
Corruption, excessive profit through, impossible 303
Cost of submarines, statement concerning 289
Details of characteristics left entirely to Navy Department on submarines 293
Excessive price, Department will not contract 291
Excessive profits on contracts, statement as to 297
Excessive profits of $1,000,000 under pending legislation, not possible.. 298
Foreign governments, comparative cost of ship work to the United States 292
Foreign vessels, inferiority of United States submarines thereto, comparisons impossible 298
Lake boat, comparison of price with *Octopus* type 303
Lake contract given to promote competition 305
Large ship construction, contracts at low figure 292
Lake type and *Octopus* type, bids submitted 304
Lilley, do not know who furnished information to 303
Navy Department—
Not restricted in letting of contract 295
Takes responsibility of determining reasonable price 291
Patents on submarines, statements as to merit of 299
Previous estimates of cost, not a fair basis for modern construction 296
Price of submarines fixed by Navy Department, not Congress 290
Submarines—
Exact cost of, hard to determine 296
Total contract price of all, to date 295
Ton, submarine boats not purchased by 299
Trial board, report of, unanimous 290
Testimony relative to—
Acquainted with (Skerrett) 860
Do not recall talking to, about any specific reports (Skerrett) 860
Submarines, paid too much for (Lilley) 1620
CARMICHAEL, JESSE L., Detroit Free Press, correspondent, at Washington.. 768
Anonymous letter received by, February 13, 1908 768
Detroit Free Press, sent copy of anonymous letter to 768
Loud, G. A., spoke to, concerning anonymous letter 769
Miller, George, anonymous letter shown to 769
CARMICHAEL LETTER:
Testimony relative to—
Carvalho, examination of, made by 1371

Page.
CARVALHO, DAVID N., handwriting and typewriting expert, New York City. (*See also* Typewriting.)
Testimony of—
Anonymous communications, both written on same machine 1377
Anonymous letters, statement as to examination of 1372
Carmichael, letter to, placed in hands April 7 1371
Edinborough, letter to, placed in hands 1372
Exhibit E, time of writing 1730
Handwriting investigations more than matter of opinion 1390
Holmes case, employed by Government in 1369
Holt will case, employed in 1370
Homicide cases, employed in 1370
Important cases, employed in 1370
Ink, expert in testing of 1730
Typewriters, six recognized as standard machines 1375
Typewriting—
Easier of identification than handwriting 1377
Identification of, absolute certainty 1387
Methods of comparison 1375
CATLIN, HENRY:
Testimony relative to—
Can not be located (Lilley) 1330
Frost not acquainted with 511
CHAMPAGNE. (*See* Members of Congress, entertainment of.)
CHARGES. (*See also* Members of Congress.)
Testimony relative to—
By Lake Company (Rice) 447
Cover existence of Electric and Holland Boat companies (Lilley) 61
Lilley, explanation of, submitted before Committee on Rules 22
None against Members of Congress' (Lilley) 61
CHESEBROUGH *v.* CONOVER (140 N. Y., 382), extract from opinion in ... 1057
CHICAGO EXAMINER, article from, November 15, 1906 (Lilley exhibit) ... 360
CLARKSON, EDGAR L., secretary to Representative Hobson 334
Testimony of—
Berger submersive boat, Hobson never spoke of 339
Bowers, E. J., suggested that Hobson get indorsement of Alabama delegation 337
Hobson, R. P.—
Naval Committee, as to effort to get on 335
Steps to procure appointment on committee 336
Wanted to see Spear about personal matter 334
Telephoned Spear 335
Lilley, talked with, and told conversation 336
Speaker—
Bring influence to bear through, Spear could 335
Hobson's testimony exonerates 340
Spear, met in November, 1907 334
Williams, Spear asked how Hobson stood with 335
CLAYTON, HENRY D. (a Representative from Alabama) 342
Testimony of—
Hobson, R. P., Alabama delegation indorsed, for naval committeeship. 343
Williams, J. S.—
Hobson friendly to 344
Purposed recommending Hobson to Speaker 344
CLEVELAND PLAIN DEALER:
Testimony relative to—
Select committee a joke, correspondent said (Wheeler) 1299
COINCIDENCES. (*See* Journal, U. S. Artillery.)
COLLIER'S MAGAZINE:
Testimony relative to—
Archibald employed by (Lake) 1110
COLLIER'S WEEKLY:
Testimony relative to—
Archibald, war correspondent for (Adams) 1168
COLUMBIA, U. S. S.:
Launching of (Butler) 77

Page
COMMERCIAL CLUB, ST. LOUIS:
Testimony relative to—
Lord, Frank B., entertained by 253
COMMISSIONER OF PATENTS. (*See* Patents, Commissioner of.)
COMMISSIONS:
None paid (Rice) 458
None paid except to Creecy (Rice) 458
COMMITTEE ASSIGNMENTS:
Testimony relative to—
No influence upon (Rice) 440
COMMITTEE OF CONGRESS, never appeared before any (Gordon) 395
COMMITTEE UNDER HOUSE RESOLUTION NO. 288: Members of 3
(*See also* Lilley Investigating Committee, and Select Committee.)
COMMUNICATIONS, written, none except Judge Gordon's printed matter (Lilley) 57
COMPARATIVE STATEMENT, submarine boats, submitted by Spear 1752
COMPETITION, Electric Boat Company charged with suppressing 5
COMPETITION, ELIMINATION OF:
Testimony relative to—
Submarine contracts, without foundation (Butler) 131
COMPETITION IN SUBMARINES (*see also* Submarines):
Lilley, favored (Kellogg) 383
Proposition that successful bidder receive award (Kellogg) 373
COMPETITION, OPEN:
Testimony relative to—
Lilley would not introduce resolution in case same provided (Sherman) 1725
Meaning of (Lilley) 1622
COMPLAINTS, received some (Lilley) 57
CONFIDENTIAL INFORMATION DISCUSSED (Skerrett) 870–871
CONGRESS:
Submarines, synopsis of facts relating to 244
Testimony relative to—
Legislative favors, never received from (Spear) 244
No business before, except for Electric Boat Company (Gordon) 395
Pending submarine legislation unsatisfactory (Lake) 1101
Price of submarines not fixed by (Capps) 290
Submarine appropriation, intention of, in making (Johnson) 732
CONGRESSIONAL DISTRICTS, employment of attorneys in (Lilley) 49
CONGRESSIONAL INVESTIGATIONS, procedure, practice respecting (Lilley) 26
CONGRESS, MEMBERS OF. (*See* Members of Congress.)
CONNECTICUT, Lilley, Geo. L., reference to as Congressman at Large (Kellogg) 385
CONNECTICUT DELEGATION:
Testimony relative to—
Accompanied to Navy Department (Lilley) 1322
New Willard luncheon, present at (Thurston) 1206
Secretary of the Navy, called on to secure contract for Lake Company (Lilley) 1614
Submarines, no conference with concerning (Kellogg) 375
CONNECTICUT LEGISLATURE:
Testimony relative to—
Electric Company, resolution requesting Congress to investigate (J. C. Lake) 1256
Resolution of investigation by, no knowledge as to (Lilley) 1326
CONNECTICUT NEWSPAPERS:
Testimony relative to—
News, none furnished to (Adams) 1172
Washington representatives of (Webster) 1264
CONNECTICUT REPRESENTATIVES:
Testimony relative to—
Secretary of the Navy, requested to see, after award made (J. C. Lake). 1229
CONNECTICUT SENATORS:
Testimony relative to—
Resolution, did not consult with concerning (Lilley) 1621

Page.
CONSOLIDATION OF SUBMARINE COMPANIES (*see also* Submarines):
Testimony relative to—
In favor of (Flint) ... 1451
CONSTITUENTS, employment of those of a Congressman ought to be condemned (Lilley) ... 33
CONSTRUCTION AND REPAIR, BUREAU OF:
Testimony relative to—
Do not recall getting information from (Skerrett) ... 861
No room in safe of, for Lake boat plans (Skerrett) ... 895
CONSTRUCTION, BOARD ON. (*See* Board on Construction.)
CONTINGENT FEE:
Testimony relative to—
Frost offered (Sands) ... 113
CONTRACTS:
Testimony relative to—
Amount of (Rice) ... 444
Amount of, on hand (Rice) ... 445
Balance of appropriation for, demanded (Rice) ... 448
Competition in, not availed of (Lilley) ... 1618
President asked to cancel, certain Holland submarine boat ... 397–414
Public inspection, no knowledge of (Rice) ... 457
Visit to Navy Department concerning (Gordon) ... 416
CONVERSE, ADMIRAL, GEORGE A.:
Testimony relative to—
Acquainted with (Skerrett) ... 861
Gave views for newspaper articles (Skerrett) ... 861
No particular information obtained from (Skerrett) ... 861
Talked with about submarines (Skerrett) ... 861
CORRESPONDENCE ON SUBMARINE BOATS (H. Doc. 75) placed in record by request of Electric Boat Company (Exhibit) ... 905–1037
CORRUPTION (*see also* Members of Congress):
Testimony relative to—
Lake Boat Company, expect no proof of, from (Lilley) ... 1323
COSTA, LIEUTENANT (Dutch officer):
Testimony relative to—
May have received information about *Octopus* from (Skerrett) ... 896
Object of conference with, to show improvements in Lake boat (Skerrett) ... 871
Plans of *Octopus* under construction while in United States (Skerrett). 868
Technical information about *Octopus* probably received from (Skerrett). 869
Technical information, will not state positively that he furnished (Skerrett) ... 871
Visited United States (Skerrett) ... 868
COUNSEL (*see also* Attorneys):
Lilley, Geo. L., permission to have, of no benefit ... 24
May be consulted by parties affected by testimony ... 20
Names of (Lilley) ... 52
Representative Lilley declines to proceed without ... 18, 19
COWART, ROBERT E.:
Testimony relative to—
Attorney for Electric Boat Company (Lilley) ... 49
Electric Boat Company, contract with (Frost) ... 501
Never approached by, concerning submarines (Gregg) ... 69
Not a constituent (Gregg) ... 69
CRAMP COMPANY, THE:
Testimony relative to—
Columbia, launching of ... 77
Represented in Washington by Gen. M. C. Butler ... 78
CRANE, CLINTON:
Testimony relative to—
Subsurface Company, naval architect for (Berger) ... 688
CREECY, CHARLES EATON, attorney at law, 308 Corcoran Building, Washington, D. C ... 79
Testimony of—
Amount realized, sale of stock ... 83
Attorney for Holland Company ... 80

CREECY, CHARLES EATON—Continued. Page.
Testimony of—
Baker, Mr., of Iowa, had submarine boat 81
Boards, applications for, made in writing 88
Burned accumulations of Holland boat papers, including contract 83
Butler, Gen. M. C.—
Associated with 80
Employment confined to appearing before Senate committees 80
Given stock in company 80
Had written contract with company 80
Capital stock, amount of 99
Compensation, 3 per cent in addition to salary 91
Compensation, $6,000 per annum, absolute, payable monthly 83
Contract for submarine, 1895 or 1896 82
Contract with company in writing 83
Contracts, vouchers, correspondence, etc., have been destroyed 102
Cummings, Amos, offered amendment to build 20 submarines 98
Dayton, A. G.—
Affidavit of, concerning use of money to defeat 90
Holland Company angry with 90
Dewey's statement to House committee 98
Electric Boat Company, other business beside building submarines 99
Fenian built by Holland 81
Gasoline engine wanted by Holland in first submarine 82
Government officials, would not have permitted anything to have been offered or paid to 88
History of submarine boat matter 81
Holland caused to be brought to Washington 86
Holland boats claimed to be death traps 98
Holland, cost of 86
Holland boat, argued merits of, before naval boards 84
Holland not a first-class boat, defects 88
Holland, Mr., new design for submarine boat 92
Holland submarine design approved by Department 82
Holland Boat Company, said to have been retained by 5
Hunton, Eppa, advice given 85
Jewett, Admiral, appears before Naval Committee 85
Lessler, investigation referred to 92
Lilley, would be glad to know methods of company 95
Naval Affairs Committee—
Appeared before 82, 84
Members of, not influenced 90
Navy Department educated officials as to submarines 84
Newspapers, no payments made to 95
New York World called on by representative of 94
Officers of Navy—
Money paid, no knowledge of 84
Spent no money with 84
Opposition to Holland boats mainly from Navy Department 98
Plunger, built by Department 82
Pneumatic Gun Company, president of 91
Report of board, adverse 87
Rival now of Electric Boat Company and Lake Company 93
Roosevelt recommends purchase of *Holland* 87
Russian Government, boat recommended to, by naval attaché 87
Sampson, Captain, recommends appropriation for submarines 81
Secretary of the Navy appointed boards to examine tests of *Holland* 81
Senator McPherson favored experimental submarine 81
Shelley Butler, and Martin, attorneys employed by company, 1895 80
Sperry, Lieutenant-Commander—
Appointed head of board 86
Frame of mind at time of trial 86
Stock in company for services 80
Stock in Holland Boat Company sold by 82
Submarines, amendment for, drawn by Gen. M. C. Butler and witness .. 96
Submarines, $400,000, appropriated for two 85

CREECY, CHARLES EATON—Continued. Page.
Testimony of—
Suit against company threatened ... 91
Voorhees, ex-governor of New Jersey, represented Lake boat ... 96
Wooley, R. W., referred to as New York World reporter ... 95
Testimony relative to—
Commission paid to (Rice) ... 458
Contract with (Rice) ... 463
Stock held by (Rice) ... 459
Witness, desired as ... 17
CREECY, EDWARD W., Howard County, Md ... 100
Witness, desired as ... 17
Testimony of—
Creecy, Charles Eaton, no business relations with ... 101
Electric Boat Company, never connected with ... 101
Representative of American Bridge Manufacting Company ... 101
Spear, Lieutenant, complimented for skill ... 103
Testimony relative to—
No knowledge of charges (Butler) ... 79
CROSS-EXAMINATION, latitude in, statement by chairman ... 249
CUMMINGS, AMOS:
Testimony relative to—
Offered amendment to build 20 submarines (Charles Eaton Creecy) ... 98
CUMMINGS, T. P.: Manager Western Union Telegraph Company, New Orleans. 1760
Testimony of—
Telegrams, to or from Lake, refuses delivery of ... 1761
Telegrams, rules of company forbid disclosure of contents ... 1762
CURTIS, F. S., chief clerk, Navy Department:
Testimony of—
Skerrett, Robert G.—
Resignation of ... 899
Department's acceptance ... 900
CUTTLEFISH: (*See also* Submarines.)
Testimony relative to—
Part cost of, refuses to state (Rice) ... 458
What paid Fore River Shipbuilding Company for, refuses to state (Rice) ... 458
CUTTLEFISH TYPE, profit of, refuses to state (Rice) ... 458
CUTTLEFISH, VIPER, AND TARANTULA, no knowledge of loss of control of (Rice) ... 455
CUYLER, C. C.:
Testimony relative to—
Subsurface Boat Company, president of (Berger) ... 685
DALZELL, JOHN, (a Representative from Pennsylvania):
Rules, member of Committee on, conducts hearing on preliminary resolutions ... 4
Testimony relative to—
Lilley resolution, knew of, before introduction (Lilley) ... 1364
Lord interview, misunderstanding as to (Lord) ... 255
DAWSON, ALBERT F. (a Representative from Iowa):
Testimony relative to—
Electric Boat Company has no agent or attorney in district of (Frost) ... 499
DAYTON, JUDGE ALSTON G.:
Testimony relative to—
Confidential letter from (Lilley) ... 57
Contributions made against (Lilley) ... 1580
Holland Boat Company, angry with (Chas. Eaton Creecy) ... 90
Money spent to defeat (Lilley) ... 60–61
Money, use of, to defeat (Charles Eaton Creecy) ... 90
Wrote to, after introducing resolution (Lilley) ... 1585
DE ARMOND, DAVID A., (a Representative from Missouri):
Lilley, Geo. L., denies alleged newspaper interviews accusing ... 910
Testimony relative to—
Lilley, Geo. L., accusations by, concerning (Lord) ... 251

DELEHANTY, JOHN, detective: Page
Testimony of—
Lake, J. C., received instructions to locate ... 1758
Lake received telegrams at New Orleans ... 1760
DELHOMMER, MRS. M. E., 1539 Jackson avenue, New Orleans ... 1767
Testimony of—
Lake, J. C.—
Engaged room for self and wife ... 1767
In New Orleans on account of wife's health ... 1767
Stopped with ... 1215
Went to post-office for mail ... 1768
Lilley investigation, did not hear Lake mention ... 1771
DENVER, COLO.:
Testimony relative to—
Submarine Navigation and Supply Company, have built submarine model (Skerrett) ... 802
DENVER COMPANY:
Testimony relative to—
Could not compete before October 1, 1908 (Skerrett) ... 897
DENVER CONCERN:
Testimony relative to—
Consulted with (Skerrett) ... 884
DE RENZIE, BARON:
Testimony relative to—
Present at conference with Dutch officers (Skerrett) ... 871–872
DETECTIVES:
Lilley, Geo. L.—
Alleged shadowing of, by ... 15
Chairman of investigating committee authorized to reply to letter of, concerning ... 20
Whether hampered by shadowing of, letter of committee ... 21
Members will be protected from annoyance by (Boutell) ... 68
Testimony relative to—
Capitol, not allowed in, without permission (Webber) ... 1722
Informed Lilley watched by (Webber) ... 1720
Not mentioned by Rice or Frost (Flint) ... 1452
Shadowed by (Lilley) ... 67, 68
DETROIT FREE PRESS:
Testimony relative to—
Anonymous letter sent to (Carmichael) ... 768
Carmichael, Jesse L., Washington correspondent ... 768
DETROIT NEWS, Detroit, Mich.:
Article from, February 22, 1908, Edinborough interview ... 697
Articles from, on Loud and Gordon ... 30. 31
DEVELOPMENT OF SUBMARINES (*see also* Submarines):
Spear, Laurence Y., article by (Appendix) ... 1119
DEWEY, ADMIRAL GEORGE:
Entertained at demonstration on Potomac River ... 77
House committee, statement to (Charles Eaton Creecy) ... 98
Reference to statement of, before Naval Committee (Gordon) ... 419–420
Testimony relative to—
Submarine, persuaded to inspect (F. P. B. Sands) ... 110
DIEHL MANUFACTURING COMPANY:
Testimony relative to—
Lake Company purchases machinery of (Lake) ... 1076
DIEKEMA, GERRIT J. (a Representative from Michigan):
Testimony relative to—
Dewey Hotel, lived at, same time as Loud ... 711
DOBLIN, PHILIP (*see also* Lessler investigation):
Testimony relative to—
As to communicating with any Member of Congress in regard to (Rice). 463
No attempt to prevent prosecution of (Rice) ... 462
Nothing of value given to (Rice) ... 462
Witness in Lessler bribery charge (Rice) ... 462

DULLES, WM.: Page.
Testimony relative to—
Acquainted with (Rice) 461
Director of Electric Boat Company and resignation (Rice) 461
Had power to refuse to sign checks (Rice) 461
Letter to chairman of select committee 263
Lilley, Geo. L.—
Letter from 263
Letter to 263
DUTCH OFFICERS:
Testimony relative to—
Conference with (Skerrett) 872
Object of conference with, to show improvement in Lake boat (Skerrett) 871
"EARMARKS" OF KELLOGG 40
EDINBOROUGH, FRANK L., attorney at law, Bay City, Mich 695
Anonymous memorandum received by, contents of 726
Reference to, in Detroit News articles 31
Subpœnaed 422
Witness, desired as 17
Testimony of—
Anonymous communication received by 707
Bay City, Mich., papers mentioned Loud in connection with investigation 714
Cameron, Chas., correspondent Detroit Journal, at Washington 723
Clippings received by, handed committee 709
Congress—
Candidacy for, announcement of 719
Candidacy for, no one has influenced outside of district 710
Candidacy for, statement as to 696
Hoped to be nominated for 725
Detroit News—
Acknowledges accuracy of interview in 726
As to interview given to 715
Interview in, February 22, 1908, testimony concerning 697
Detroit papers mentioned Loud in connection with investigation 714
Diekema, Gerrit J., lived at Dewey Hotel same time as Loud 711
Electric Boat Company do not know of suggesting Gordon for Congress 697
Fordney, J. W., do not know whether Gordon talked with 711
Goodwin, E. A., talked with, at Bay City 718
Gordon, W. D.—
Acquainted with 696
Do not know business of, in Washington 712
On friendly terms with Members of Congress 712
Opposed candidacy for Senate 710–719
Wrote letter to, for Loud 702
Hamilton, E. L., do not know whether Gordon talked with 712
Lilley, George L., called on before taking stand 708
Loud, George A.—
Angered by Gordon's insistence 698
Angry and disgusted with Gordon's imposition 703
Anxious Gordon should know outcome of submarine recommendation 701
Candidacy for United States Senate, statement as to 724
Conversation with concerning Gordon 699
Did not connect name of with investigation 721
Formerly private secretary to 695
Knew Gordon was in Washington for Electric Company 700
Name not mentioned in first interview 717
Referred to me in slighting way 706
Miller, George. Correspondent Detroit News at Washington 723
Salary, receipt of, after leaving Loud's employ 723
Senatorial campaign expenses, Loud did not pay 722
Shepherd, Judge T. F., talked with at Bay City 719
Townsend, C. E., do not know whether Gordon talked with 712

EDINBOROUGH, FRANK L.—Continued. Page.
Testimony relative to—
Gordon, statement as to, conversation concerning (Loud) 774
Lake Company prepared questions submitted to (Webster) 1305
Nonsupport of politically, no connection with Electric Boat Co. (Gordon) 394
Private secretary to Congressman Loud, declined to support, for State senator (Gordon) 394
Requested by friends of Loud to support (Gordon) 420
Subpœna of, not requested (Webster) 1298
Summoning of, statement as to, by Lilley 1598
Summoning of, why requested (Lilley) 1529
Webster wrote letter to 1531
EDINBOROUGH LETTER:
Testimony relative to—
Carvalho, examination of, made by 1372
EJERCITO O ARMADA, Madrid paper quoted (Rice) 434
ELECTRIC BOAT, contract for, reference to law (Kellogg) 387
ELECTRIC AND HOLLAND BOAT COMPANIES, charges—cover existence of (Lilley) 61
ELECTRIC TORPEDO BOAT COMPANY:
Bids of, under act of 1907 1848
Contract for construction of submarine boat No. 17 (Appendix E) 323
Correspondence on submarine boats—placed in record by request of ... 905–1037
Counsel for 52
Counsel, may be accompanied by, and consult 20
Littleton states company willing to give detail statement, cost of *Octopus*. 1482
Officers of, subpœna as witnesses insisted upon 23, 24
Production of books, papers, letters, etc., requested of 1635
Resolution to investigate charges against 3
Witnesses, officers, etc., of, should be examined by an attorney (Lilley) ... 25
Testimony relative to—
Affairs of, not familiar with (Gordon) 390
Amendment to act of March 2, 1907, drafted by attorney of (Lilley) ... 60
Appropriation bill of March 2, 1907, Senate amendment to, drafted by attorney for (Lilley) 5
Archibald, generally known in employ of (Adams) 1171
Attempt by, to influence appointment on Naval Committee (Hobson). 63–66
Attorney for under written contract (McNeir) 139
Attorneys and agents in Washington, as to (Butler) 131
Attorneys employed by (Kellogg) 382
Attorneys for, in districts of Naval Committee members (Lilley) 51–52
Attorneys for, in every district represented on Naval Committee (Lilley) 50
Attorneys for, in Hobson's and Padgett's districts (Lilley) 51
Attorneys for, witnesses named as, will discover more (Lilley) 49–50
Bonds of, none (Rice) 459
Bribery, has not attempted directly or indirectly (Frost) 503
Bridgeport Brass Company, no contracts with (Ferry) 672
Builds boats, yachts, launches, etc. (Spear) 240
Business of, in Michigan (Rice) 465
Butler, Marion—
Attorney for, in Washington 122
Contract with verbal 126
Campaign contributions—
Has made none (Barnett) 667
Have not made (Frost) 503
How to ascertain if made by (Lilley) 32
None made by (Johnson) 735
None made by (Treadwell) 740
Campaign funds—
Contributions to, by (Lilley) 28
Never expended for (Rice) 462
Capital stock and dividends of (Rice) 425
Capital stock, amount of (Chas. Eaton Creecy) 99
Charges against improper methods by (Lilley) 22
Charges of corrupt practices on the part of 4
Commissions, not paid by (Rice) 458

ELECTRIC TORPEDO BOAT COMPANY—Continued. Page.
Testimony relative to—
Competition, does not object to (Butler) 136
Competition, Frost courted (Gordon) 391
Concerning one-half of appropriation (Gordon) 416
Connecticut legislature, resolution requesting Congress to investigate. 1256
Contracts by, Lilley not in favor of monopoly of (Kellogg) 385
Contracts for balance of appropriation demanded (Rice) 448
Contract with (Charles Eaton Creecy) 83
Contract with Vicker Sons & Maxim Company (Lilley) 38
Cowart, Robert E., attorney for (Lilley) 49
Cowart, Robert E., contract with (Frost) 501
Creecy, Charles Eaton—
Compensation $6,000 per annum, absolute, payable monthly 83
Contract burned together with other papers 83
Details of, not familiar with (Rice) 443-444
Directors American citizens (Rice) 453
Does not control facts concerning submarines (Rice) 457
Efforts to influence Navy Department by, pronounced false (Rice) 425
Efforts to secure legislation (Lilley) 38
Employees of (Rice) 460
Employees of, no knowledge (Rice) 459
Employment with, no connection with political work in Michigan (Gordon) 394
Erly, Angus A., charged with being in employ of 1040
Excessive profits—
Do not receive (Flint) 1449
Newspaper men informed as to, (Webster) 1264
Fessenden, Mr., reference to, as attorney for (Kellogg) 382
Fessenden, Samuel, employed as counsel for (Frost) 505
Financial management of (Rice) 440
Financial system of (Rice) 449
Foreign business of (Rice) 426
Foreign control of stock (Rice) 454
Foreign stockholders, refuses to name (Rice) 453
Fore River Ship Building Company, contracts with (Metcalf) 279
Frost offers Sands contingent fee 113
Funds of and payments by, how made (Rice) 450
Gordon, W. D.—
Arrangement with for employment of 390
Attorney for (Lilley) 49
Compensation to, from, leave open 391
Did not suggest for Congress (Edinborough) 697
Employment with, not contingent 390
General purpose of, in retaining 392
Never agreed to withdraw as candidate for Congress in consideration of support of legislation favoring 392
Paid $500 as retainer by, through Frost 391
Retained after appointment of Loud to Naval Committee 774
Services rendered 504
Trips made by, in interest of 391
Verbal contract with, as attorney 390
Government had boat built on plans of (Skerrett) 897
Hill, E. J., offered resolution to investigate (J. C. Lake) 1258
History of, stated to Navy Department (Gordon) 396-397
Holland, John P.—
Employed (Rice) 457
Retired voluntarily from (Rice) 457
Improper practices charged by Lilley (Webster) 1275
Johnson, Arthur, employed by (Adams) 1169
Johnson, Norman G., general attorney for 727
Kellogg, John P.—
Attorney for (Lilley) 49
Contract between, continuing 388
Did not confer with Senator Marion Butler or Mr. McNeir concerning affairs of 382
No directions from officers or stockholders of 383
Retained by, as counsel 370

ELECTRIC TORPEDO BOAT COMPANY—Continued. Page.
Testimony relative to—
Kerr, Dr. W. R., compensation received; none from 120
Lake Torpedo Boat Company—
Active competitor of (Lilley) 38
Consolidation with (Flint) 1424
Endeavored to secure control of (Lake) 1083
Make offer for United States rights (Lake) 1086
Property of, in Connecticut attached by (Lake) 1085
Threatened suit for infringement against (Lake) 1084
Lilley, George L.—
Attempt by, to influence action 29
Condemned methods of (Webster) 1302
Did not suggest conference with Taylor 474
Vote of, not asked at instigation of 477
Litigation of, has not appeared for, in (Gordon) 392
"Lobby"—
Charged with maintaining 5, 28, 32
Company has never employed 738
Lord, Frank B., never in employ of 252
Loud, conferences with, did not direct or request Gordon to hold 392
McNeir, Charles S., allowed current expense account 152
Make best submarines (Butler) 75
Members of Congress—
Never assisted or helped defeat (Johnson) 736
None stockholders in (Rice) 459
Naval bill, 1907, Senate amendment not drafted by (Frost) 508
Naval Committee, alleged influence of, to secure appointments on (Lilley) 9
Naval Committee, defeat of Members, charged against 5
Navy Department, efforts to influence by, charged 5
Nelson invention, purchased by (Frost) 512
Newspaper men, know of none employed by (Butler) 133
Newspapers, charged with subsidizing 5
Newspapers not subsidized by (Treadwell) 741
No business except to secure Government contracts (Lilley) 34
No communications with reference to (Lilley) 57
No officer of the Navy Department stockholder in (Rice) 459
None other than, could compete before October 1, 1908 (Skerrett) 897
Not consulted with (Skerrett) 884
Notes of, held by Lake (Lake) 1096
Notes of, refuses to mention (Rice) 459
Officers, etc., of, no improper or corrupt conduct on part of (Gordon) 395
Officers of (Rice) 449
Official connection with (Rice) 449
Patents of, license to use, granted Vickers Sons & Maxim (Rice) 450
Patents, new, acquired (Butler) 130
Places of business of (Rice) 424, 425
Plants, at Quincy, Mass., New Suffolk, Long Island, and Bayonne (Spear) 240
Policy of, in acquiring patents (Rice) 443
Profits of (Lilley) 32
Profits of (Rice) 444-445
Programme of, ignorant of how Loud voted on (Gordon) 420
Proposed amalgamation with Lake Company (Rice) 445
Protector, demanded building of, stop (Lake) 1094
Provision for competitive test on or before October 1, would award entire appropriation to (Skerrett) 897
Purely American (Rice) 453
Relations of, to Holland Submarine Company (Rice) 425
Reprehensible practices, charged with, by Lilley (Webster) 1275
Responsibility for general policy of (Rice) 427
Spear, Lawrence—
Contract with, in writing 206
Salary paid to (Spear) 220
Stock in, none owned by Government officials (Frost) 515
Sublets contracts to Fore River Works (Lilley) 34
Sublets 75 per cent of work (Spear) 240

ELECTRIC TORPEDO BOAT COMPANY—Continued. Page.
Testimony relative to—
Submarines, no authority from, to promise manufacturers orders in case of favorable legislation (Kellogg) ... 381
Stock held in Europe or England, will furnish privately information concerning (Rice) ... 454
Stock, sale of ... 83
Stockholders, will furnish list of, privately (Rice) ... 459
Submarines, no direction from, as to number to be urged (Kellogg) ... 378
Taylor, F. A., corresponded with, concerning air flasks ... 472
Taylor, Franklin J., no knowledge of contracts between (Kellogg) ... 376
Thought entire appropriation of 1907 should go to (Gordon) ... 417
Transactions of, must necessarily remain in secret possession of (Lilley) ... 29
Treasurers of, did not always consult (Rice) ... 449
Value of plants used by, refuses to state (Rice) ... 459
Vickers-Maxim, controlled by (Flint) ... 1424
View of, not presented to Loud (Gordon) ... 393
Visits to Washington on business for (Gordon) ... 395
Would not act for, unless its boat meritorious (Gordon) ... 391
Wrongful methods of, definition (Lilley) ... 62
ELLIS, WM. R. (a Representative from Oregon) ... 1629
Testimony of—
Archibald, no not remember meeting ... 1631
Battle ships and submarines, no connection between in committee ... 1630
Battle ships, voted for four ... 1629
Electric Boat Company has no agent or attorney in district of (Frost) ... 500
Japan, knew power of, on Pacific ... 1633
Naval Committee, did not seek appointment to ... 1632
Pacific coast, sentiment on, for submarines ... 1630
Petitions, etc., favoring submarines, have not received ... 1632
EL NOROESTE, Spanish paper, quoted (Rice) ... 433
ENGINES (*see also* Submarines):
Report of board on, visit to Navy Department concerning (Gordon) ... 416
ENGLAND (*see also* Foreign governments):
Testimony relative to—
Holland type of boats adopted in (Rice) ... 454
Number of submarines in (Rice) ... 454
ENGLISH AND GERMAN SUBMARINES. (*See* Submarines.)
ENGLISH BOATS. (*See* Foreign boats.)
ENGLISH GOVERNMENT:
Testimony relative to—
Alleged refusal of, to renew agreement with Vickers Sons & Maxim (Rice) ... 455
Given benefit of developments if not secret (Rice) ... 453
ENGLISH SUBMARINES (*see also* Submarines):
Testimony relative to—
Construction of, a secret (Spear) ... 225
ENOS, PRESIDENT, Bridgeport Board of Trade:
Testimony relative to—
Conversation with (Ferry) ... 676
ENTERTAINMENT. (*See* Members of Congress; Frost, Elihu B.)
ERLY & LORD, admitted being paid (Lilley) ... 48
ERLY, ANGUS A., newspaper correspondent, Washington, D. C ... 1039
Offers to testify ... 201
Testimony of—
Borrowed money, statement as to ... 779
Broussard—
Conversation with, at Shoomaker's ... 778, 1044
No money offered to ... 1045
Went to Shoomaker's saloon with ... 1044
Electric Company, never in employ of ... 1040
House Committee on Expenditures in Treasury Department, now clerk of ... 1043
Investigation, was anxious to bring about ... 1047
Knopf, Phillip, appointed to clerkship by ... 1043
Lake people, Lilley denies operating on behalf of ... 1047
Lake question ought to be gone into ... 1046
Lilley, accused by, of being in employ of Electric Company ... 1047

ERLY, ANGUS A.—Continued. Page.
Testimony of—
Lilley, and Lake Company ought to be investigated 778
Lilley, called by first name by 1047
Lilley investigation, conversation with, concerning 1046
Lilley warned against, as in employ of Electric Boat Company 1040
Lord wrote articles for Electric Company 1041
McNeir, Charles S.—
Have distributed articles for 1040
Never asked about Congress, or Naval Committee 1040
Newspaper articles, no money spent to color 1041
Norcross, asked by Lilley, concerning fixing the committee 1044
Press Committee—
Statement before, as to money received from McNeir 1043
Suspended by 1041
Press gallery, reinstated after trial 1042
Ripley, Geo., not acquainted with 1044
Rodenberg, W. A., indorsed for clerkship by 1043
Shoomaker's explanation as to statement made at 1047
Splain, Maurice, chairman press committee 1042
Stadden, Corry, present at interview with Broussard 1045
Suspension by press committee, statement as to 1042
Tinker, Jackson, at Shoomaker's with Broussard and Erly 1045
United Press Association, employed by until time of Lilley charges 1039
Wooley, R. W.—
Conversation with, concerning Lilley charges 1041
Promised to counteract story told Lilley 1045
Told Lilley of Erly and Broussard 1044
Testimony relative to—
Employment by McNeir, knew of (Frost) 496
Literary work—
Amount received for (McNeir) 152
Payment for (McNeir) 151
Not employed (Rice) 466
Testimony of, parts not printed (Webster) 1264
EUROPE, impression of "Lilley investigation" in (Rice) 433–434
EUROPEAN CONCERNS:
Testimony relative to—
Consulted with (Skerrett) 884
EVENING POST. (*See* Bridgeport Evening Post.)
EVEN-KEEL TYPE. (*See* Submarines.)
EVIDENCE, affidavits, letters, and telegrams not considered (Boutell) 905
EXCELSIOR:
Testimony relative to—
Sailed on, New Orleans to Habana (J. C. Lake) 1218
EXCESSIVE PROFITS: (*See also* Profits.)
Testimony relative to—
Statement concerning (Lilley) 1323
Submarines, none in (Flint) 1449
United States does not pay (Flint) 1454
EXPENDITURES IN TREASURY DEPARTMENT—COMMITTEE ON:
Testimony relative to—
Erly, now clerk of 1043
EX-SENATORS:
Testimony relative to—
Practice as to appearing before committee (Butler) 79
FAHY, MR.:
Testimony relative to—
Butler case, gave information concerning (Webster) 1268
Connecticut paper, writes for (Webster) 1269
FAUCETT, MR.:
Testimony relative to—
Chief clerk Bureau Supplies and Accounts, acquainted with (Skerrett) 862
Do not recall getting information from, about Nelson report (Skerrett) 862
FENIAN, built by Holland (Charles Eaton Creecy) 81

Page.

FERGUSON, SAM:
Testimony relative to—
Affidavit made by (Lake) ... 1105
Affidavit of, sent to Neff ... 1107
Affidavit of, sent to Neff (Lake) ... 903
Affidavit of (Neff) ... 905
Lake boats, electrician of (Lake) ... 1105
FERRY, CHARLES, metallurgist, salesman of Bridgeport Brass Company, Bridgeport, Conn. *See also* Bridgeport Brass Company ... 672
Appointment with Lilley, made through Kellogg ... 36
Interview with Mr. Lilley, time and place of ... 35
Reference to (Kellogg) ... 386
Subpœnaed ... 422
Testimony of—
Boston Herald, article from, denies truth of ... 680
Connecticut Congressman did not write to ... 677
Electric Boat Company, no contracts with ... 672
Enos, president of Bridgeport Board of Trade, conversation with ... 676
Fore River Ship Building Company, supply articles to ... 672
Hill, E. J.—
No communication with concerning submarines ... 677
Should know Bridgeport Brass Company was making materials for submarines ... 677
Judson, Stiles, acquainted with ... 683
Kinsbury, F. H., jr.—
Manager Bridgeport Brass Company ... 672
Requested me to go to Washington ... 680
Lake Boat Company, no contracts with ... 672
Lilley, George L.—
Conversation with concerning $2,000 profit ... 678
Interview with concerning submarines ... 673, 674
Introduced to, by John Kellogg ... 673
Requested vote for submarines of *Holland* type ... 675
Submarines, not enthusiastic over ... 675
Vote on submarines would not influence our contracts ... 681
Political affairs, Bridgeport Brass Company takes no part in ... 675
Salesman, duties as ... 672
Submarines, did not go to Washington in interest of any particular boat ... 681
Testimony relative to—
Affidavit, made concerning (J. C. Lake) ... 1210
Bribe, no suggestion of, to (Kellogg) ... 388
Contract not offered to, for aid in legislation (Bowles) ... 1738
Electric Company, requested to help by Admiral Bowles (J. C. Lake) 1212
For Holland boats; appropriation (Lilley) ... 36
Hill, E. J.—
Letter written to (Lake) ... 1108
Requested having interview with (Bowles) ... 1738
Kellogg, John P.—
acquainted with ... 376
Introduced by, to Mr. Lilley ... 377
Purpose of conversation between ... 380
Lilley, George L.—
Conversation between, discussed ... 379
Did not request influencing of, by (Bowles) ... 1738
Had talked with (Rice) ... 460
Introduced by Kellogg, John P ... 377
Suggested line of conversation between (Kellogg) ... 379
Submarines, no correspondence with Kellogg concerning ... 377
FESSENDEN, SAMUEL:
Testimony relative to—
Electric Boat Company, employed by as counsel (Frost) ... 505
FIFE, GEORGE BUCHANAN, Editor Harper's Weekly:
Testimony relative to—
Skerrett discussed submarine article with ... 796

FLETCHER, CAPTAIN, U. S. Navy: Page.
Acquainted with (Skerrett) 856
Times and places of meeting (Skerrett) 857
FLINT, CHARLES R., Merchant, 4 East Thirty-sixth street, New York:
Snyder, J. Frank, appears as counsel for 1423
Testimony of—
Aldrich, Senator, met on coming to Washington 1440
Berg, Hart O., employment of 1456
Browne, Grant Hugh—
Did not regard as authorized agent of Electric Company 1428
Electric Company has never stated he represented 1433
Not in employ of 1444
Reported result of Lake interview to 1426
Bulkeley, Senator, not acquainted with 1435
Consolidation of companies, conversation with Browne concerning 1425
Consolidation of submarine companies, in favor of 1451
Detectives, not mentioned by Rice or Frost 1452
Electric Company and Lake Company, consolidation of 1424
Electric Company—
Browne did not see me on behalf of 1425
Knew of no authorized proposition from 1459
No connection with 1437
No conversation with any representative relative to investigation. 1437
Understand controlled by Vicker Maxim 1424
Excessive profits, United States does not pay 1454
Flint & Co., a partnership, members of 1447
Foreign governments, purchasing boats, declines to enumerate 1453
Gilsey House, no proposition for meeting at 1452
Hopkins & Hopkins, met at Washington 1441
Hurd, not acquainted with 1451
Investigation—
Conversation with Browne concerning 1436
First learned of, through newspapers 1439
General talk as to 1453
Have done nothing to hinder or delay 1438
No interest in 1434
Lake boats only sold to foreign governments 1448
Lake Company—
Contracts with, for foreign sales 1454
Has made good on results 1450
No authority to sell (J. C. Lake) 1243
No connection with 1437
No connection with, in United States 1423
Not a stockholder in 1424
Lake—
Conversation with, concerning consolidation 1429
Named no figures to, for consolidation 1426
Showed note of Electric Company 1453, 1459
Submitted no figures to 1434
Telephone conversation with, no recollection of 1429
Lake, J. C., called at New York office 1442
Lake, Simon—
Do not remember telephoning to 1456
Successful record of 1461
Testimony as to conversation in general, correct 1458
Lake thought Browne came from Rice 1460
Patent interests of companies, advantage of consolidating 1426
"Peace and plenty of it," do not remember using expression 1438
Profit on submarines, not excessive 1449
"Promotion" and "Organization," distinction between 1446
Proposition, submitted none to Lake Company 1435
Russia—
Amount of telegraph bill to 1455
Pending contracts with 1454
Submarines—
Have sold to foreign governments 1423
No interest in United States business 1434

FLINT, CHARLES R.—Continued. Page.
Testimony of—
Tonnage, or displacement, important factor of cost..... 1449
United States does not pay more for submarines than foreign governments..... 1448
Testimony relative to—
Interviews with—
Concerning (Lake)..... 1103
Concerning purchase of Lake Company (Rice)..... 437
Lake Company's agent abroad (J. C. Lake)..... 1241
Lake Company—
Endeavors to purchase controlling interest in (Lake)..... 1085, 1086
Not employed by (Lake)..... 1094
Russian Government, representative of (Lake)..... 1095
FLINT & CO., BROAD STREET, NEW YORK:
Testimony relative to—
Lake Company, selling agents of (Lake)..... 1095
Partnership, members of (Flint)..... 1447
FORDNEY, J. W. (a Representative from Michigan):
Testimony relative to—
Gordon, W. D., do not know as to taking with (Edenborough)..... 711
FOREIGN BOATS:
Testimony relative to—
Makers of (Lilley)..... 38
FOREIGN CONCERNS:
Testimony relative to—
Relations with Electric Boat Company (Rice)..... 426
FORE RIVER IRON WORKS, of Quincy:
Testimony relative to—
Mass., contracts sublet to (Lilley)..... 34
FORE RIVER SHIP BUILDING COMPANY:
Testimony relative to—
Bridgeport Brass Company, sold material to (Lake)..... 1108
Business relations between, and Bridgeport Brass Company (Kellogg).. 377
Congressmen, no knowledge of communication of, to influence (Rice). 460
Cuttlefish, what paid for construction of, refuses to state (Rice)..... 458
Electric Boat Company, contracts with (Metcalf)..... 279
Subcontracts with (Rice)..... 444
FOREIGN GOVERNMENTS:
Testimony relative to—
Commissions sent to United States on submarines (Lake)..... 1117
Contracts with, statement as to (Lake)..... 1097, 1098
Lake boats only sold to (Flint)..... 1448
Lake Company—
Builds boats for (Skerrett)..... 826
Contracts with, for sales to (Flint)..... 1454
Officials records of, allow excerpts to be taken from (Skerrett)..... 874
Patents on submarines, statement as to (Lake)..... 1112
Policy of, concerning submarines (Rice)..... 44
Reports of—
As to confidential (Skerrett)..... 874
How treated with respect to journals (Skerrett)..... 875
Ship work, comparative cost of to the United States (Capps)..... 292
Submarines, sold to (Flint)..... 1423
Treason, as to what would constitute in divulging secrets of (Skerrett).. 876
United States behind, in submarine construction (Skerrett)..... 806
United States does not pay more for submarines than (Flint)..... 1448
FOREIGN MILITARY JOURNALS:
Testimony relative to—
Supervision of (Skerrett)..... 874–875
FOREIGN ITINERARY, testimony relating to (Skerrett)..... 888–889
FOREIGN VESSELS:
Testimony relative to—
Comparison with United States vessels, impossible..... 298
FOREIGN SUBMARINES (*see also* Foreign Governments):
Testimony relative to—
Statements as to certain (Skerrett)..... 808

Page.
FRENCH SUBMARINE COMPANY, not the head of (Rice)..... 455
(*See also* Societe Francaise de Sons-Marin.)
FRENCH SUBMARINES:
Testimony relative to—
Data concerning (Spear)..... 226
FORUM PUBLISHING COMPANY:
Testimony relative to—
President of (Rice)..... 460
FOSS, GEORGE EDMOND, a Representative from Illinois, chairman House Committee on Naval Affairs..... 1633
Testimony of—
Battle ships and submarines, no connection between, in Committee... 1634
Naval Committee, votes in, on submarines..... 1634
Testimony relative to—
Attorney in Loud's district, told by (Lilley)..... 1563
Attorneys of Electric Boat Company, none in district of (Lilley)..... 50
Electric Boat Company has no agent or attorney in district of (Frost).. 498
Hearing requested before committee (Thurston)..... 1051
Submarines, understood to be against (Neff)..... 1177
FOSTER, CARL, affidavit made in office of (Adams)..... 1167
FROST, ELIHU B., attorney-at-law, New York City, general manager Holland Torpedo Boat Company..... 491
Members of Congress said to have entertained..... 5
Witness, subpœna of, as insisted upon (Lilley)..... 23
Subpœnaed..... 422
Testimony of—
Agents and attorneys have employed, for companies' interests..... 492
Bates, Arthur L., no agent or attorney in district of..... 499
Bribery, have not attempted directly or indirectly..... 503
Butler, M. C., contract with, as to..... 493
Butler, Marion—
Contract with, as to..... 494
No recollection of draft of amendment by..... 522
Senate amendment 1907 not drawn by..... 510
Butler, Thos. S., no agent or attorney in district of..... 498
Campaign contributions, did not make, to either party..... 503
Catlin, Henry, do not know..... 511
Congress, Members of—
Denies lavish entertainment of..... 507
Spent no money to defeat..... 509
Contract for seven submarines awarded November, 1907..... 518
Creecy, Charles E., contract with, duties of..... 492
Dawson, Albert F., no agent or attorney in district of..... 499
Duties of, testimony concerning..... 491
Eight boats, do not know why Electric Company did not receive contract for..... 521
Ellis, William R., no agent or attorney in district of..... 500
Erly, Angus, knew of employment by McNeir..... 496
Expenses at Washington, statement of..... 508
Fessenden, Samuel, employed as counsel by Electric Boat Company.. 505
Foss, George Edmund, no agent or attorney in district of..... 498
Gordon, W. D.—
Contract with, as to..... 494
Knew of acquaintanceship with Assistant Secretary Newberry..... 495
Met in New York City, not by appointment..... 389
Retained by, March 7, 1906..... 389
Services rendered..... 504
Gregg, Alexander W., no agent or attorney in district of..... 500
Hobson, R. P., no agent or attorney in district of..... 501
Hunton, Eppa, no recollection of nature of contract with..... 492
Kitchin, William W., no agent or attorney in district of..... 500
Lamar, Robert, no agent or attorney in district of..... 501
Lord, Frank B.—
Knew of employment by McNeir..... 496
Never requested to interview any member of Congress..... 498
Loud, George Alvin, Gordon, our attorney, lives in district of..... 499
Loudenslager, Henry C., no agent or attorney in district of..... 498

FROST, ELIHU B.—Continued. Page.
Testimony of—
McNeir, Chas. S.—
Contract with, absolute ... 493
Duties of, under terms of employment ... 496
Members of Congress not to be requested to speak with or influence. 496
Mudd, Sydney E., no agent or attorney in district of ... 499
Naval appropriation bill, have no knowledge of ... 517
Naval bill 1907, Senate amendment not drafted by Electric Company. 508
Naval Committee House of Representatives, approached no member concerning pending submarine legislation ... 520
Navy Department, officials of, no money paid to ... 506
Navy, paid no money to any enlisted man ... 514
Nelson, Lieutenant, U. S. Navy—
Acquainted with ... 511
Invention patented ... 514
Purchased invention of ... 512
Olcott, J. Van Vechten, no agent or attorney in district of ... 500
Padgett, Lemuel P., no agent or attorney in district of ... 500
Roberts, Ernest W., no agent or attorney in district of ... 499
Sands, F. P. B., contract with, as to ... 494
Secretary of the Navy, statement of number of boats to be awarded Electric Company ... 519
Stock in company, none owned by naval officers or Government officials ... 515
Submarine exhibitions, entertainment of Members of Congress at ... 507
Submarines, bids for, statement concerning ... 521
Talbott, Joshua F. C., no agent or attorney in district of ... 501
Taylor, Franklin A., did not procure, to see Lilley ... 506
Thomas, W. Aubrey, no agent or attorney in district of ... 499
Watkins, John T., no agent or attorney in district of ... 501
Yachts owned by Electric Boat Co ... 510
Testimony relative to—
Appropriation, exercised over reported division of (Gordon) ... 416
Butler, Gen. M. C., made contract with ... 74
Correspondence with McNeir as to (McNeir) ... 144
Entertainment furnished by (Rice) ... 431
Kellogg, John P.—
Accidental meeting between ... 384
Contract with, as to ... 494
Conversations between ... 376
First met, in 1906 ... 370
Length of acquaintance and relations with ... 383
Submitted views in memoranda to Lilley ... 372
Visited, in New York ... 370
Kerr, Dr. W. R., business arrangements with ... 117
Lavish expenditures by (Lilley) ... 1577
Money, large sums of, spent by (Lilley) ... 1324
Naval Committee, efforts to influence (Lilley) ... 32
Newberry requested to present matters to, by (Gordon) ... 393
Newspaper correspondents could prove by, undue influence by ... 49
Political work of, no knowledge of (Gordon) ... 394
Questions asked about (Lilley) ... 58
Repudiates action of Lynch in attempting to influence Hobson (Spear). 211
Retainer paid by, to (Gordon) ... 391
Telegram from, respecting engines (Gordon) ... 415
Washington, came to, at request of (Gordon) ... 421
Woman, discussion with, as to influence of, on Members of Congress (Rice) ... 462
Yale College, graduate of (Kellogg) ... 384
FULTON. (*See* Submarines, competition in.)
FULTON AND PROTECTOR. (*See* Submarines, competition in.)
GASOLINE ENGINE:
Holland wanted in first submarine (Charles Eaton Creecy) ... 82
GERMAN AND ENGLISH SUBMARINES. (*See* Submarines.)
GERMAN SUBMARINES:
Testimony relative to—
Data concerning (Spear) ... 227

	Page.
GIFTS:	
Testimony relative to—	
No knowledge of any (Rice)	467
No recollection of any (Rice)	460
GILSEY HOUSE, NEW YORK:	
Testimony relative to—	
No proposition for meeting at (Flint)	1452
GIRALDA:	
Testimony relative to—	
Submarine trial Newport, R, I., statement as to (McNeir)	145
"GOATS FROM SHEEP." (*See* Lilley; Members of Congress.)	
GOFF, G. W., East Hampton, Conn.:	
Letter to, from Lilley, March 25, 1908 (Exhibit)	1515
Testimony relative to—	
Letter to, positive of signing (Webster)	1719
Letter to, written by Webster	1516
GOMPERS, SAMUEL:	
Testimony relative to—	
Propositions made and answered (Lilley)	1334
GOODWIN, E. A.:	
Testimony relative to—	
Edinborough, talked with at Bay City	718
GORDON, WM. D.:	
Letters to chairman of committee dated March 16, 1908	203
Subpœnaed	422
Witness, desired as	17
Testimony of—	
Assistant Secretary of the Navy—	
Appeared before on all occasions	396
Interviews with	420
Attorneys for other companies, did not meet at Navy Department	396
Butler, Marion, reference to	395
Committee of Congress, never appeared before any	395
Congress—	
Mentioned as, but never candidate for	392
Never agreed to withdraw as candidate for, for consideration	392
No business before, during last two years except for Electric Boat Company	395
Departments, no recollection of visiting any	422
Dewey, Admiral George, reference to testimony of	419
Edinborough, nonsupport of, politically, no connection with Electric Boat Company	394
Private secretary to Congressman Loud, declined to support, for State senator	394
Electric Boat Company—	
Arrangement with, for employment of	390
Attorney for	389
Compensation from, willing to leave amount of, for future settlement	391
Employment with, not contingent	390
Fees as attorneys for, not contingent with regard to legislation	392
General purpose of, in retaining	392
Has not appeared for, in court	392
No official business transacted through, in Michigan	389
Not directed or requested by, to hold conferences with Loud	392
Officers, etc., of, no improper or corrupt conduct on part of	395
Paid expenses of	391
Reference to brief of, referred to Attorney-General	396
Told Frost not familiar with	390
Took up history of, at Navy Department	396
Trips made in interest of	391
Verbal contract with	390
Would not act for, unless its boat meritorious	391
Engines, report of special board of inspection on	415
Expenses of, paid by Frost	391

GORDON, WM. D.—Continued. Page.
Testimony of—
Frost, E. B.—
Came to Washington at request of.... 421
Confident of merits of his company's boat and courted competition.... 391
Met in New York City, not by appointment.... 389
Retained by, March 7, 1906.... 389
Telegram from, respecting engines.... 415
Holland Boat Company, history of, stated to Navy Department, by. 396–397
Johnson, Norman G.—
Acquainted with.... 395
Introduces Frost to.... 390
Kellogg, John P.—
Acquainted with.... 395
Did not confer with.... 395
Lake Boat Company—
Brief of Electric Boat Company referred to Attorney-General by request of attorney for.... 396
Contention against giving appropriation to.... 417
Lake contract, as to pendency of, on visit to Washington in January.... 421
Lindsay, acquainted with.... 395
Littleton, Martin W., acquainted with.... 395
Lobbying, did not care to do any.... 393
Loud, Geo. A.—
Acquainted with.... 392
Constituent of.... 389
Conversations with.... 419
Electric Boat Company view of, did not present to.... 393
Friendly to submarine legislation.... 418–419
Interference with politically, no knowledge of.... 394
Not officially connected with.... 389
Opposed politically, since retained by Electric Boat Company.... 393
Talked with, about submarine legislation.... 393
McNeir acquainted with.... 395
Members of Congress—
Did not approach any, about submarines.... 422
No improper conduct on part of Electric Boat Company in relation to any.... 395
No knowledge of assistance to elect or defeat.... 394
Naval Committee—
No correspondence with any member of, concerning candidacy for Congress.... 392
No direction to do or say anything touching action of, on naval programme.... 421
Navy Department—
Hostility of, toward Electric Boat Company.... 390
No business before, except for Electric Boat Company.... 395
No secret, private or personal representation to any officer of.... 417
Representations made at.... 396
Took active part before, after filing of brief.... 395–396
Newberry, Truman H.—
Acquainted with but not intimately.... 392–393
Matters presented to, by.... 393
Not intimately acquainted with.... 390
Requested by Frost to present matters to.... 393
Political work, no knowledge of, on part of Frost or Rice.... 394
Questions asked by Lilley.... 418–422
Retainer of $500 paid to.... 391
Submarines—
Discussed by, at Navy Department.... 396–397
Proposition concerning.... 397–415
Thurston, ex-Senator, referred to as attorney for Lake Boat Company.. 396
Washington—
Visited in January and February.... 422

GORDON, WM. D.—Continued. Page.
Testimony of—
Washington—Continued.
Visits to, no business on in last two years except for Electric Boat Company..... 395
Visits very often..... 389
Willard hotel, never stayed at; always stayed at the Raleigh..... 421
Testimony relative to—
Appropriation of 1907, division of, between Lake and Electric Boat companies..... 416
Attorney for Electric Boat Company (Lilley)..... 49
Only one employed from a member's district (Rice)..... 440
Business in Washington, no exact knowledge as to (Loud)..... 774
Candidate against Loud, not put forward as (Loud)..... 777
Commissions, none paid to (Rice)..... 458
Congress—
Members of, friendly with (Edinborough)..... 712
Not suggested for by Electric Boat Company (Edinborough)..... 697
Contracts, visit to Navy Department related to, then existing..... 416
Detroit News, articles from, in reference to (Lilley)..... 30, 31
Edinborough, Frank L.—
Acquainted with..... 696
Candidacy opposed by..... 719
Requested by friends of Loud to support..... 420
Electric Boat Company retained after Loud appointed to Naval Committee (Loud)..... 775
Thought entire appropriation of 1907 should go to..... 417
Employed by Electric Boat Company to influence Loud (Lilley)..... 30
Employment of (Rice)..... 465
By Electric Boat Company (Lilley)..... 30
By Electric Boat Company (Rice)..... 425–426
By Electric Company regretted (Loud)..... 774
By Electric Company, did not inform Loud of..... 776
Engines, report of board on..... 416
Frost exercised over reported division of appropriation..... 416
Influence on, employment of (Rice)..... 465
Legal business done by (Rice)..... 465
Loud, Geo. A.—
Acquainted with, for fifteen years..... 417
Angry and disgusted with Gordon's imposition (Edinborough)..... 703
District, did not know lived in (Johnson)..... 729
Ignorant of how he voted..... 420
Letters, none received from (Lilley)..... 57
Lives in Mr. Loud's district (Lilley)..... 49
Not candidate against, nor seeker of appointment from..... 418
Not sent for by Frost to control..... 422
Not talked to, this session of Congress concerning submarines..... 421
Served on *McCullough* in Dewey's fleet..... 417
Members of Congress, no communication with, regarding votes of (Rice)..... 465
Michigan legislature, standing in (Rice)..... 465
Michigan, political work in, no relation to employment with Electric Boat Company..... 394
Newberry, Assistant Secretary Navy, acquainted with Gordon (Frost)..... 495
No written communications from, except printed matter (Lilley)..... 57
Political influence in Michigan (Rice)..... 465
Political opposition not threatened by (Loud)..... 774
Services rendered Electric Boat Company (Frost)..... 504
Statement concerning (McNeir)..... 143
Submarine legislation, did not confer with Loud concerning (Loud)..... 777
Submarines, not talked with Loud this session of Congress concerning..... 420
GOULD STORAGE BATTERY COMPANY:
Testimony relative to—
Lake Company, purchases machinery of (Lake)..... 1076
GOVERNMENT OFFICIALS:
Bribery would not have been permitted (Charles Eaton Creecy)..... 88
GRAMPUS. (*See* Submarines.)

Page.
GREAT BRITAIN:
Testimony relative to—
Improvements in submarines built by (Spear) 468
GREGG, A. W. (a Representative from Texas):
Testimony of 68–70
Campaign expenses, pays his own 69
Campaign funds, received no contributions to 69
Coward, R. B.—
Never approached by, concerning submarines 69
Not a constituent 69
Naval Committee—
Member of 69
Appointment on, how made 69–70
Appointment on, no influence to secure 69
Submarines, not "approached" on subject of 69
Williams, John Sharp, presented recommendations to, concerning Naval Committee appointment 70
Testimony relative to—
Cowart, constituent of (Lilley) 49
Electric Boat Company has no agent or attorney in district of (Frost) .. 500
GRIGGS, JAMES M. (a Representative from Georgia):
Alleged newspaper interview with Representative Lilley, accusing of graft, denied 9–10
Testimony relative to—
Lilley, Geo. L., accusations by, concerning (Lord) 251
GRIST v. CHILDS, 20 Wallace:
Testimony relative to—
Lobbying fully discussed (Butler) 78
"HALL MARK," his (Thurston) 1196
HALSEY & CO., not acquainted with; no business dealings with (Rice) 453
HAMILTON, E. L. (a Representative from Michigan):
Testimony relative to—
Gordon, W. D., do not know as to talking with (Edinborough) 712
HANDWRITING (*see also* Carvalho, David N.):
Testimony relative to—
Typewriting easier of identification (Carvalho) 1377
HARPER'S MAGAZINE:
Testimony relative to—
No knowledge of copies mailed Members of Congress 834
HARPER'S WEEKLY:
Testimony relative to—
Article in, knew nothing of (Lake) 1068
Holland boat, wrote article for, concerning (Skerrett) 810
Members of Congress, know nothing of having been sent to (J. C. Lake). 1240
Submarines, article on, contributed by Skerrett 795
HARRIS, ADMIRAL:
Testimony relative to—
Acquainted with (Skerrett) 861
Do not remember getting specific information from (Skerrett) 862
HAY, JAMES, newspaper correspondent, Washington, D. C.:
Identified by Witness Webster 1265
Testimony of—
Copy, went to Lilley's room for 1315
Lilley, received papers from 1315
Webster—
Have not talked with 1315
Phoned me concerning copy 1314
Received copy from 1314
HAYNES, A. M., clerk, select committee:
Neff, gives office key to 1191
Testimony of—
Typewriters in Neff's office, have written on 1209
HEARING, before Committee on Rules on resolution to appoint special committee 4–10
HEARINGS:
Rules, Committee on, on Mr. Lilley's statement 381

Page.

HEATH, SPENCER:
Testimony relative to—
Lake Company, patent attorney for (Adams) ... 1172
HERALD, NEW YORK. (*See* New York Herald.)
HERBERT, HILARY A.:
Subpœnaed ... 422
Testimony relative to—
Large navy, in favor of (Micou) ... 756
Subsurface boat company represented by (Berger) ... 691
HILL, E. J. (a Representative from Connecticut):
Testimony relative to—
Bridgeport Brass Company—
Should know was making material for submarines ... 677
Tried to influence, to cease work on behalf of Lake Company (Lake) 1107
Electric Company, offered resolution to investigate (J. C. Lake) ... 1258
Enis, approached to influence (J. C. Lake) ... 1213
Ferry, Chas.—
Requested interview with, by (Bowles) ... 1738
Wrote letter to (Lake) ... 1108
Open competition, to make fight on floor for (Neff) ... 1201
Secretary of Navy, called on as to question of discretion ... 278
Submarine scandal, advised against forcing on floor of House (J. C. Lake) ... 1259
Whitney advised calling on (Lake) ... 1072
HOBSON AND PADGETT:
Testimony relative to—
Attorneys for Electric Boat Company in districts of (Lilley) ... 51
HOBSON, R. P. (a Representative from Alabama):
Alabama delegation, indorsement of, naval committeeship ... 343
Substitute resolution offered by, on submarines ... 423–424
Subsurface boat, text of motion for, in committee ... 1366
Testimony of—
Electric Boat Company, attempt by, to influence appointment on Naval Committee ... 63–66
Lilley, George L.—
Conversation with, about Naval Committee appointment ... 66
Substantiates statement of, concerning Naval Committee appointment ... 63
Naval Committee—
Appointment on, made official application for ... 65, 66
Concerning appointment on ... 63, 64
Speaker of the House, Spear would bring influence to bear on ... 64
Spear, Lawrence—
Acquainted with since 1886; in Navy together ... 66
Declined offer of influence from ... 65
Naval architect, well acquainted with ... 64
Promised influence to secure Naval Committee appointment ... 64
Received letter from, about Naval Committee appointment ... 63, 64
Williams, John Sharp, concerning appointment from, on Naval Committee ... 64, 65
Testimony relative to—
Alabama delegation indorse, for naval committeeship (Clayton) ... 343
Appointment of, on Naval Committee said to have been influenced (Lilley) ... 38
Committee appointment, telephone conversation concerning (Spear) ... 215
Committee membership, recommendation of minority leader, conversation concerning (Spear) ... 214
Electric Boat Company—
Has no agent or attorney in district of (Frost) ... 501
Practices of, reprehensible (Lilley) ... 1507
Favorable action, no promise to, for (Spear) ... 236
Lilley resolution, knew of, before introduction (Lilley) ... 1364
Naval Affairs, recommended for, by Williams (Busbey) ... 347
Political assistance, claimed to have been given (Spear) ... 210
Spear, Lawrence—
Relations very friendly and cordial ... 209
Wanted to see about personal matter (Clarkson) ... 334

Page.

HOBSON, R. P.—Continued.
Testimony relative to—
Submarines—
Hobson said four not half enough (Spear) ... 212
Opinion of (Spear) ... 209
Talked at Capitol concerning (Spear) ... 218
Views on, not changed (Spear) ... 215
Subsurface boats—
Details explained to (Berger) ... 689
Motion made for, in committee (Berger) ... 693
HOLLAND:
Testimony relative to—
Charles Eaton Creecy caused to be brought to Washington ... 86
Cost of (Charles Eaton Creecy) ... 86
Not built under contract (Rice) ... 445
HOLLAND AND ELECTRIC BOAT COMPANIES, charges cover existence of (Lilley) ... 61
HOLLAND AND PLUNGER.
(*See* submarines, competition in.)
HOLLAND BOAT:
Testimony relative to—
Competition between, and Lake boat, thought Lilley favored (Kellogg) ... 384
Concerning patents of (Rice) ... 425
Not as good as boats of other navies (Lilley) ... 456
HOLLAND BOATS:
Testimony relative to—
Built at Crescent shipyards (Spear) ... 219
Inferior to foreign submarines (Skerrett) ... 795
HOLLAND GOVERNMENT:
Testimony relative to—
Had boat built on plans of Electric Boat Company (Skerrett) ... 897
No submarines of Holland type under construction for (Skerrett) ... 895
No type of submarines built for, other than on plans of Electric Boat Company (Skerrett) ... 897, 898
HOLLAND, JOHN P.:
Testimony relative to—
Employed by Electric Boat Company (Rice) ... 457
Letters received from (Lilley) ... 1319
Lilley requests summoning of ... 1368
Quotation as to merits of submarines, comment on (Rice) ... 457–458
Retired voluntarily from Electric Boat Company (Rice) ... 457
Stock interest in boat companies, refuses to state what (Rice) ... 457
Will not state what paid to (Rice) ... 457
HOLLAND OR LAKE, anybody can build better boats than (Lilley) ... 42
HOLLAND PATENTS, injunction against using, by Holland (Rice) ... 457
HOLLAND TORPEDO BOAT COMPANY (*see also* Electric Torpedo Boat Company):
Charges against, resolution to investigate ... 3
Charges against (Lilley) ... 22, 23
Testimony relative to—
Can not build large boat without hydroplanes (Lilley) ... 456
History of, stated to Navy Department (Gordon) ... 396–397
Lobby, charged with maintaining ... 5–28
Never expended money for campaign funds (Rice) ... 462
Not now manufacturing boats (Lilley) ... 34
Official connection with (Rice) ... 449
Organized into Electric Boat Company (Lilley) ... 34
Reorganization of, can not state when it occurred (Lilley) ... 34
Report of Lessler investigation of, referred to (Olmsted) ... 35
Sands, F. P. B., contract with ... 108
Stock, sale of (Charles Eaton Creecy) ... 82
HOLLAND SUBMARINE BOAT, development of (Rice) ... 454
HOLLAND SUBMARINE COMPANY, relations to Electric Boat Company (Rice) ... 425
HOLLAND TYPE:
Testimony relative to—
Competitive test on other than, before October 1, 1908 (Skerrett) ... 852
Electric company created demands for (Lake) ... 1100

HOLLAND TYPE—Continued. Page.
Testimony relative to—
Information as to improvements in, how obtained (Skerrett)..... 867–868
Same motive power could be installed in Lake boat (Skerrett)..... 849
HOPKINS & HOPKINS, patent attorneys:
Testimony relative to—
Flint met on coming to Washington..... 1441
HOUSE DOCUMENT ROOM:
Testimony relative to—
Sample resolutions procured from (Webster)..... 1274
HOUSE REPORT No. 3482, Fifty-seventh Congress, second session, bribery charges..... 523
HOUSE RESOLUTION No. 264 (exhibit)..... 364, 1487
Testimony relative to—
Introduction of, statement as to (Lilley)..... 1500
Neff's testimony as to, correct (Lilley)..... 1499
Not prepared before, resolution for investigation (Neff)..... 1492
Preparation of, no recollection as to (Webster)..... 1488
Prepared in Lake office (Neff)..... 1489
Prepared by witness (Neff)..... 1489
Purpose of introduction (Lilley)..... 1586
Statement concerning (Lilley)..... 1545
HOUSE OF REPRESENTATIVES (*see also* Members of Congress):
Testimony relative to—
Open competition, prepared fight for, on floor (Neff)..... 1201
HOUSE, S. P. (*See* Bradford Detective Agency.)
HOWARD, WILLIAM M. (a Representative from Georgia):
Appointed on committee under H. Res. 288..... 3
HUGHES, Mr., no information obtained from (Skerrett)..... 865
HUMPHREY, W. E. (a Representative from Washington):
Testimony relative to—
Pacific coast, submarines for, concerning (McNeir)..... 141
HUNTON, EPPA:
Testimony relative to—
Advice given as witness (Charles Eaton Creecy)..... 85
Employment of (Rice)..... 464
Holland Boat Company, said to have been retained by..... 5
No knowledge of (Rice)..... 464
No knowledge of employment of (Rice)..... 463
Statement on behalf of (Butler)..... 72
HUNTON, EPPA, Jr., letter from, concerning connection of father with Holland Boat Company..... 72
HUTTIG, C. A., St. Louis, Mo., Cannon, J. G., letter to, indorsing Hobson..... 364
HYDROPLANES (*see also* Submarines):
Testimony relative to—
Findings regarding, of board on *Lake* and *Octopus*—disagrees with (Skerrett)..... 887
Statement as to (Spear)..... 222
IDENTIFIED EXHIBITS:
Testimony relative to—
All written on Smith-Premier (Osborn)..... 1407
INVENTIONS SECRET (Rice)..... 452
INVESTIGATION (*see also* Lilley investigation):
Lilley, George L., testimony would defeat purposes of..... 27
Manner of conducting proposed by Mr. Lilley..... 17
Method of procedure discussed..... 18, 19, 20
Of charges by Representative Lilley—scope and purpose of..... 14
Willing to extend to all boat companies (Lilley)..... 55
INVESTIGATIONS, procedure—practice respecting (Lilley)..... 26
ITALIAN SUBMARINES, data concerning (Spear)..... 227
ITINERARY, FOREIGN (Skerrett)..... 888–889
JAMESTOWN EXPOSITION. Voted against (Lilley)..... 1326
JENKINS, S. A.:
Testimony relative to—
Not acquainted with (Lilley)..... 1527
Not acquainted with (Neff)..... 1205
JEWETT, ADMIRAL, appears before Naval Committee (Charles Eaton Creecy)..... 85

Page.

JOHNSON, ARTHUR:
Testimony relative to—
Archibald, information concerning, requested of (Adams)..... 1169
Electric Boat Company, employed by (Adams)..... 1169
Electric Boat Company, salary paid to (Adams)..... 1170
Lake Company, duties with (Neff)..... 1204
Lake Company, press agent for (McNeir)..... 154
Newspaper man in Washington (Adams)..... 1169
JOHNSON, NORMAN G, attorney at law, New York City..... 727
Subpœnaed..... 422
Witness, desired as..... 16
Testimony of—
Attorneys employed for Electric Boat Company, names of..... 727
Attorneys for company, names of all, have been given special committee..... 739
Butler, Marion, scope of employment for company..... 730
Campaign contributions, none made by Electric Company..... 735
Congress, intention of, in making submarine appropriation..... 732
Electric Boat Company, counsel for, authorized to employ..... 727
Electric Boat Company, general attorney for..... 727
Expense account, statement as to..... 738
Frost, head of company, when Rice absent..... 731
Gordon, W. D., did not know lived in Loud's district..... 729
Gordon, W. D., employment of, as to..... 728
Herbert and Micou filed brief for Berger Company..... 735
Kellogg, employment, as to..... 728
"Lobby," company has never employed..... 738
McNeir, attorney for company, valuable man..... 730
Members of Congress, Electric Company has never assisted or helped defeat..... 736
Navy Department, never appeared before..... 731
Navy Department, requested award of contract for submarines..... 732
Olcott, J. Van V., acquainted with, never spoken to concerning submarines..... 735
Olney, Richard, as to opinion by..... 735
Pamphlets, etc., company has prepared and distributed..... 736
Parsons, Herbert, lives in Congressional district of..... 734
Publicity, bureau of, Electric Company has none..... 736
Reid, Charles, employed by company, acquainted with..... 739
Rice, actual head of Electric Company..... 730
Skerrett, do not know man by name of..... 739
Thurston, filed brief for Lake Company..... 735
Vouchers, method of drawing and paying..... 737
Testimony relative to—
Acquainted with (Gordon)..... 395
Consultations with, concerning attorneys (Rice)..... 463
Gordon, introduces, to Frost, E. B..... 390
JOURNAL OF THE ROYAL ARTILLERY:
Testimony relative to—
Official connection with Government (Skerrett)..... 875
Reproduction of articles in, gave permission for (Skerrett)..... 874
Submarine article republished by (Skerrett)..... 814
JOURNAL UNITED STATES ARTILLERY:
Testimony relative to—
Article in, concerning *Octopus*, refuses to give sources of information for (Skerrett)..... 868
Article in, nothing but extracts as basis for..... 877
Article in, prepared while abroad (Skerrett)..... 856
Article on *Protector*, had forgotten was of Lake type (Skerrett)..... 855
Article on *Shark* and *Porpoise* as to source of information for (Skerrett) 864
Article on submarines (Skerrett)..... 854
Article prepared for other interest in subject (Skerrett)..... 857
Article written for (Skerrett)..... 813
Articles in, information for, filed and afterwards destroyed (Skerrett).873-874
Articles in, never received any criticism of (Skerrett)..... 879
Articles in, resemblance to advertisements of Lake Company "coincidences" (Skerrett)..... 891, 892, 893
As to course of information for article in (Skerrett)..... 856

JOURNAL UNITED STATES ARTILLERY—Continued Page.
Testimony relative to—
Do not remember where information for, obtained (Skerrett)..... 866
Knew Lake Company disapproved article in (Skerrett)..... 892
Lake Company disapproved, article in—but used; why? (Skerrett).. 891
Lake Company disapproved article, why (Skerrett)..... 893
No compensation for contributions to (Skerrett)..... 874
No pay for article in (Skerrett)..... 857
Wrote article in, also argument for Lake Company, latter first (Skerrett). 893
JUDSON, STILES, counsel for Mr. Lilley..... 52
Testimony relative to—
Ferry, acquainted with..... 683
KAHN, JULIUS (a Representative from California)..... 663
Testimony of—
Lake Company called on by representatives of..... 663
Pacific Coast proper defense of..... 664
Statement as to McNeir interview..... 663
Testimony relative to—
Interview with, denied (Simon Lake)..... 1099
Pacific Coast, submarines for, concerning (McNeir)..... 141, 142
KEIGWIN, CHARLES A., attorney for Lord in libel suit..... 259
KELLOGG, JOHN P., attorney at law, Waterbury, Conn.:
Subpœnaed..... 422
Telegram from to Franklin A. Taylor, January 30, 1908 (Exhibit)..... 488
Testimony of—
Battle ships, urged construction of, as well as submarines..... 378
Butler, Marion, not known to..... 381
Campaign funds, no knowledge on subject..... 381
"Ear marks of"..... 40
Electric Boat Company—
Attorneys employed by..... 382
Lilley not in favor of monopoly by..... 385
Compensation for other purposes not included..... 388
Contract with, continuing..... 388
No authority from, to promise manufacturers orders..... 381
Notified Lilley of relation to..... 375
Officially worked for..... 375
Retained as counsel for, in Connecticut..... 370
Visited Washington for, concerning legislation..... 371
Electric boat, contract for, law, reference to..... 386, 387
Ferry, Mr., of Bridgeport—
Acquainted with..... 376
Conversation between, and Lilley, suggested line of..... 379
Conversation with, concerning submarines..... 377
Dined with, and discussed conversation with Lilley..... 379
Introduced to Lilley by..... 377
No correspondence with, about submarines..... 377
No suggestion of a bribe offered to..... 388
Purpose of conversation with..... 380
Reference to..... 386
Frost, E. B.—
Accidentally met, in New York..... 383, 384
Became acquainted with, in 1906..... 370
Concerning retainer..... 384
Length of acquaintance and relations with..... 383
Visited, in New York..... 370
Fessenden, Mr., reference to..... 382
Holland boat, thought Lilley favored competition between, and Lake boat..... 384
Kingsbury, Mr., suggestion made to, concerning relation of Bridgeport Brass Company to Fore River Works..... 377
Lake boat—
Contract for, contingent..... 387
Contract for 3, discussed with Lilley..... 379
Contract, no connection with..... 379
References to, in conversation with Lilley..... 382
Thought Lilley favored competition between, and Holland boat.. 384

KELLOGG, JOHN P.—Continued. Page.
Testimony of—
Lake Boat Company—
No knowledge of business relations between, and Taylor..... 376
Not acquainted with attorneys, officials, or stockholders..... 383
Not associate in libel suit against..... 371
Relations of Lilley with, not improper..... 385
Residence of..... 385
Suit against, by Electric Boat Company..... 370
Lake type of boat, contract for..... 383
Lilley, George L.—
Acquainted with, between twenty-five and thirty years..... 369
Attitude of, toward Lake boat..... 385
Conferences with, on submarine legislation, not disapproved by.. 380
Conversation concerning Secretary of Navy's report..... 378
Conversation with, January 30, 1908..... 377, 378
Conversation with, no direction concerning..... 378
Conversations with..... 374, 375
Did not threaten..... 384
Discussed submarine legislation with..... 371
In favor of limited appropriations for submarines..... 374
No criticism to make of attitude..... 386
No political influence to bear on..... 376
Nothing reprehensible in conduct of..... 386
Political and social relations, friendly..... 369
Political supporter of..... 384
Politics, did not enter into relations with..... 385
Proper exercise of influence, will not express opinion as to..... 386
Relations with, since investigation began..... 388
Still a political supporter of..... 385
Testimony of, no reference to..... 382
Views submitted to, in memoranda prepared by Frost, E. B..... 372
Vote of..... 384
Vote of, no intimation from, respecting..... 382
Loudenslager, H. C., amendment, did not submit to Mr. Lilley..... 382
Made appointment for Ferry to meet Lilley..... 36
Newspaper interview with..... 387, 388
Newspaper men not asked to intercede with Mr. Lilley..... 376
Office held by..... 369
Politics did not enter into question..... 384, 385
Rice, acquainted with..... 383
Submarine legislation, never assisted any Congressman because he favored..... 381
Submarines—
Argument with Lilley for *Octopus* type..... 379
Competition for award..... 373
Competition in, favored by Lilley..... 383
Contracts for, understood Lilley to favor division of..... 385
Differed with Lilley as to type..... 378
In accord with Lilley's views concerning..... 371
Lilley, George L., certain number might be advantageous..... 372
Newspaper clipping concerning shipment of 4, to Philippines sent to Lilley..... 380
No direction as to number to be urged..... 378
No improper suggestion if Lilley would favor legislation concerning..... 380
No member of Connecticut delegation other than Lilley conferred with concerning..... 375
Recollection that Lilley favored 4..... 378
Suggested conference between Ferry and Lilley concerning..... 377
Understood Taylor talked frequently with Lilley concerning..... 376
Urged large number, 30 or 40..... 378
Taylor, Franklin J.—
No knowledge of any contracts between, and Electric Boat Company..... 376
No knowledge of business relations between, and Electric Boat Company or Frost, E. B..... 376

KELLOGG, JOHN P.—Continued. Page.
Testimony of—
Taylor, Franklin J.—Continued.
No suggestion of bribe offered to 388
Requested by, to see Lilley 374
Talked with, in general 374
Yale College, graduate of 384
Testimony relative to—
Acquainted with (Gordon) 395
Attorney for Electric Boat Company (Lilley) 49
Earmarks of, on Loudenslager motion (Lilley) 40
Employed by Electric Company to influence (Lilley) 1336
Handed written form of motion to Lilley 36
Lilley approached by 35
Lilley, conversation with, concerning seeing (Taylor) 489
No authority to influence Congressmen (Rice) 460–461
Not conferred with (Gordon) 395
Testimony of, would believe (Lilley) 1336
KERR, Dr. W. R., 637 Rookery, Chicago, Ill 116
Witness, desired as 17
Testimony of—
Compensation, received none from Electric Boat Company 120
Frost, E. B., business arrangement with 117
Holland Boat Company, said to have been retained by 5
Lessler investigation, was present at 119
Members of Congress, never spoke to 118
Newspaper men, no recollection of interviews with 119
Post-Office and Post-Roads Committee, appeared before 118
Quigg, L. E., met at Waldorf Hotel, New York 118
Testimony relative to—
Never employed or paid money to (Rice) 464
KIMBALL, CAPTAIN, appears before Naval Committee (Charles Eaton Creecy) 85
KINGSBURY, F. H., JR.:
Testimony relative to—
Bridgeport (Conn.) Brass Company, manager of (Ferry) 672
Fore River Works, suggestion to tell Lilley of relation of Bridgeport Brass Company with (Kellogg) 377
KITCHIN, WILLIAM. W. (a Representative from North Carolina):
Testimony relative to—
Electric Boat Company has no agent or attorney in district of (Frost) .. 500
KNOPF, PHILLIP (a Representative from Illinois):
Testimony relative to—
Erly appointed to clerkship by 1043
KINSLEY, WILLIAM J., handwriting expert, 245 Broadway, New York 1392
Testimony of—
Anonymous letters, written on same machine as identified exhibits ... 1397
Bertillon system, method used in 1395
Identified exhibits, all written on Smith Premier 1397
Important cases connected with 1393
Typewriting identification, method of comparison 1393
LAKE (*see also* Submarines):
Testimony relative to—
Completion and launching of (Skerrett) 847
Defects in, concerning correction of (Skerrett) 852
Design, advance in, and construction between time of completion of, and construction of *Octopus* (Skerrett) 847
Electric Boat Company, only submarine in competition with those of (Skerrett) 847
Sink, attempt to 397, 448
Sink, attempt to, article from Bridgeport Farmer 414–416
Size of, difference in and *Octopus* (Skerrett) 847
Submerged runs of, compared with *Octopus* (Skerrett) 852
LAKE BOAT:
Testimony relative to—
Competition between and Holland boat, thought Lilley favored (Kellogg) 384
Contract for, discussed (Kellogg) 379

LAKE BOAT—Continued. Page.
Testimony relative to—
Contract for, no connection with (Kellogg) ... 379
Contract for, purely contingent (Kellogg) ... 387
Lilley, attitude of, toward (Kellogg) ... 385
Modification of, necessary to bring within terms of appropriation (Skerrett) ... 898
Plans of, no room in safe for (Skerrett) ... 894
Prefers, to *Octopus* (Skerrett) ... 848
References to, in conversation with Lilley (Kellogg) ... 382
Remodel, impossible to in time for test (Skerrett) ... 897
LAKE BOAT CORPORATION, residence of (Kellogg) ... 385
LAKE CONTRACT, as to pendency of, in January (Gordon) ... 421
LAKE, J. C., vice-president Lake Torpedo Boat Company, Bridgeport, Conn. ... 1210
Called as witness; not present; reported out of country ... 490
Committee endeavored to obtain ... 905
Letter from, to Lilley, requesting influence. (Exhibit) ... 1310
Referred to (Lilley) ... 37
Statement concerning service of subpœna by Sergeant-at-Arms ... 1079
Subpœnaed ... 422
Subpœna of; not served; reasons ... 901, 902
Testimony of—
Adams, Clement E.—
Received no letter from, at New Orleans ... 1214
Wrote, giving address ... 1217
Affidavit—
Made for purpose of submission to select committee ... 1213
No one suggested making ... 1211
Attorney-General—
Reference to, talked with no one except Thurston ... 1227
Secretary of Navy offers to make reference to ... 1225
Bates, Arthur L., went down in boat with Lilley ... 1249
Bath, Me., boats now made at ... 1230
Berger, C. L.—
Learned of decision, naval board, from ... 1223
Relations with ... 1223
Books of Lake Company, do not know present whereabouts ... 1244
Bridgeport, first boat made at ... 1230
Brooker, not acquainted with ... 1226
Brown, Grant Hugh—
Lake Company, never in employ of ... 1244
No connection with Lake Company ... 1245
Not acquainted with ... 1241
Competition, Secretary of Navy wanted ... 1224
Congressmen, have never solicited ... 1249
Connecticut—
Legislature, resolution requesting Congress to investigate Electric Company, as to ... 1256
Representatives, asked to see Secretary after award ... 1229
Senators did not talk with, concerning reference to Attorney-General ... 1228
Stockholders, Lake Company, do not remember names of ... 1232
Contract—
No part in making ... 1262
Nothing to do with details ... 1234
Delhommer, Mrs. M. E., stopped with, in New Orleans ... 1215
Duties as vice-president ... 1210
Enos approached to influence Hill ... 1213
Excelsior, sailed from New Orleans to Habana on ... 1218
Ferry, Charles—
Affidavit made concerning ... 1210
Requested by Admiral Bowles to help Electric Company ... 1212
Flint, Charles R.—
Conversation with, on return from trip ... 1242
Lake Company agent abroad ... 1241
No authority to sell Lake Company ... 1243
Harper's Weekly, know nothing of being sent to Members of Congress ... 1240

LAKE, J. C.—Continued. Page.
Testimony of—
Hill, E. J.—
Advised against forcing submarine scandal on floor of House..... 1259
Offered resolution to investigate Electric Company..... 1258
Investigation—
Did not know, was to be made..... 1251
Frowned on by counsel..... 1254
Had not heard of, before going to Hot Springs..... 1260
No talk of, in last two years..... 1252
Johnson, wrote articles for Lake Company..... 1239
Lake Company—
No knowledge of Lilley resolution..... 1255
Wanted open legislation..... 1261
Well satisfied with contract for one boat..... 1255
Lake, Simon—
Against investigation..... 1253
Received no letter from, at New Orleans..... 1214
Turned books over to..... 1245
Legislation pending, conversations concerning..... 1261
Lilley, George L.—
Do not know of vote in committee..... 1236
First meeting with..... 1234
Lake boat, explained merits of, to..... 1236
Investigation, first heard of..... 1251
Letter (September 23, 1907) to Secretary of Navy, statement as to... 1256
Not present at New Willard luncheon..... 1230
Went down in boat before Newport trials..... 1248
Went with delegation to see Secretary of Navy..... 1233
Marix Board, as to report of..... 1224
Members of Congress—
No attempt made to elect or defeat..... 1234
Submarines, never talked with, about..... 1234
Mormose, steamer sailed on..... 1214
Navy Department, no information from, concerning tests or trials..... 1250
Newport tests, present at..... 1222
Office, no communication with, during absence..... 1221
Pacific Iron Works, material purchased of..... 1231
Politics, Lake Company takes no interest in..... 1230
Postal cards, knew nothing of preparation of..... 1261
President, letter to, extract from..... 1260
Resolution of investigation—
No knowledge of..... 1253
Advised against offering..... 1259
Scientific American, advertisements not carried in, by Lake Company. 1238
Secretary of Navy, saw, concerning contract..... 1224
Service papers, advertisements in..... 1239–1240
Skerrett—
Acquainted with..... 1238
Know nothing of documents received by, from Navy Department. 1240
Stock in Lake Company, two-thirds held by Connecticut people..... 1230
Stockholders did not request influence of..... 1222
Subpœna—
First notice of..... 1219
Service of..... 1221
Telegrams, received none at New Orleans..... 1215
Thurston—
Advised application for reference to Attorney-General..... 1226
Never spoke to, concerning Lilley matter..... 1253
Trip, details of..... 1216
Typewriters, work might have been done on, without knowledge of... 1261
Wallace, sent report abroad to..... 1247
Washington Post, Johnson paid, for article in..... 1239
White House, have never been to, except at receptions..... 1246
Whitney, F. B., prepared J. C. Lake letter to President..... 1260
Witness, did not know of being wanted as..... 1220

LAKE, J. C.—Continued. Page.
Testimony relative to—
Affidavit of—
Concerning (Neff) 904, 905
Statement as to (Simon Lake) 1107
Detective, instructed to locate (Delehanty) 1758
Investigation, knew was pending (Adams) 1163
Lake Company in charge of, when Simon Lake abroad (Lake) 1077
New Orleans, sailed for, March 18, 1908 (Leuman) 1756
New Willard luncheon, guests at (Thurston) 1206
Whereabouts, date of sailing, addresses, etc. (Lake) 901, 902, 903
LAKE AND OCTOPUS:
Testimony relative to—
Merits, relative, disagreed in part with Senator Thurston's contention as to (Skerrett) 886
Obsolescent (Lilley) 42
Size and merits (Skerrett) 847
Speed, trial tests of, conditions (Skerrett) 848
Tests—
Report of board on, disagrees with, as to hydroplanes (Skerrett) ... 887
Report on, disagrees with, as to certain details (Skerrett) 887, 888
Trials, comparative analysis of, comment on (Skerrett) 849–852
Value of, relative, per ton (Skerrett) 848
LAKE OR HOLLAND:
Testimony relative to—
Anybody can build better boats than (Lilley) 42
LAKE, SIMON, president Lake Torpedo Company, Bridgeport, Conn 1059
Subpœnaed 422
Testimony of—
Adams, C. E.—
Affidavit made by 1109
Affidavit of, as to 1110
Articles published to enlighten people as to merits of Lake boat 1060
Attorney-General—
Lake, J. C., reported reference to 1078
Not in country, when law referred to 1078
Austria, contracts with 1097
Baker—
Came to company from Navy Department 1065
Know of no friends of, in Navy Department 1067
Now in London 1066
Bath Iron Works, under contract to build boat 1075
Beers & Foster, attorneys for company at Bridgeport 1069
Berg, Hart O., Flint & Co., member of 1095
Board on Construction, hands tied by legislation 1094
Books, papers, etc., willing to show if Electric Company shows 1080
Bridgeport Brass Company—
Sold material to Fore River Company 1108
Tried to influence E. J. Hill 1107
Brooker, Charles F., not acquainted with 1092
Browne, Grant Hugh, Flint came to witness from 1103
Bulkeley, Senator, acquainted with 1092
Campaign contributions as charged by Lilley, no knowledge 1082
Catalogues, sent Members of Congress 1062
Collier's Magazine, Archibald employed by 1110
Consolidation, conversation with concerning (Flint) 1429
Construction more expensive now, higher speed required 1088
Diehl Manufacturing Company, machinery purchased of 1076
Electric Boat Company—
Attached property in Connecticut 1085
Know of no improper conduct by, in securing contracts 1060
No knowledge of improper expenditures by 1059
Notes of, held by 1096
Offer made to Lake Company for United States rights 1086
Threatened suit for infringement 1084
Tried to purchase controlling interest in Lake Company 1083

LAKE, SIMON—Continued. Page.
Testimony of—
Ferguson, Sam—
Acquainted with ... 1105
Affidavit sent to Neff ... 903–1107
Electrician of Lake boats ... 1105
Flint, Charles R.—
Endeavors to purchase Lake Company's interest in submarine business ... 1085
Interviews with ... 1103
Not employed by Lake Company ... 1094
Russian Government, represented by ... 1095
Second offer to purchase Lake Company ... 1086
Flint & Co. selling agents Lake Company ... 1095
Foreign Governments—
Contracts with, as to ... 1097, 1098
Patents on submarines, as to ... 1112
Gould Storage Battery Company, machinery purchased of ... 1076
Hall, Mr.—
Approached by, concerning sale of interests ... 1093
Refused to disclose principals ... 1084
Representing syndicate made offer for controlling interest in company ... 1084
Harper's Weekly—
Did not mail to Congressmen ... 1076
Knew nothing of article in ... 1068
Hill, E. J.—
Ferry, Mr., wrote letter to ... 1108
Whitney advised calling on ... 1072
Holland type, demands for, created by Electric Company ... 1110
Infringement suits against Lake Company never brought to trial ... 1085
Interviews, have refused to give, since investigation started ... 1068
Investigation—
Regretted starting of ... 1104
Unfortunate for submarine business ... 1104
Kahn, Julius, no interview with ... 1099
Lake boats' radius of action ... 1088
Lake Company—
Capital stock and dividends ... 1097
Contract with Government, interest allowance ... 1090
Controlling interest, ownership of ... 1096
No one authorized to negotiate sale of ... 1092
No bonds or notes outstanding ... 1076
Public press not subsidized by ... 1070
Submarine boat, highest price received for ... 1101
Lake, John C.—
Affidavit of ... 903
Statement as to ... 1107
As to whereabouts, dates of sailing, addresses, etc ... 901, 902, 903
Correspondence with, now in London ... 1078
In charge of company, when witness abroad ... 1077
Statement concerning service of subpœna by Sergeant-at-Arms ... 1079
Telegrams, none sent to ... 1080
Whereabouts, no knowledge of present ... 1080
Lake system of submarines entirely different from Electric Company's. 1087
Lake type more expensive to build than Octopus type ... 1100
Legislation pending unsatisfactory ... 1101
Letterpress copy books, will furnish if desired ... 1079
Lilley, George L.—
Appeared lukewarm at New Haven interview ... 1061
Met at New Haven, Conn., concerning 1908 submarine provision ... 1061
Introduced to, at Navy Department ... 1060
Lobby, company has not maintained ... 1070
March trial, how brought about ... 1114
Members of Congress—
Did not know intent and purpose of 1907 act ... 1113
No improper pressure brought to bear upon ... 1071
No stock owned by, in Lake Company ... 1074
Started propaganda to educate ... 1062

LAKE, SIMON—Continued. Page.
Testimony of—
Miller, L. B., director Lake Company ... 1094
Naval act 1907, unfairness of ... 1113
Naval acts, circular containing, sent out ... 1068
Naval powers, submarine strength of ... 1098
Navy Department—
Do not criticise ... 1113
Officials, no stock in company owned by ... 1075
Should send commissions abroad to study submarines ... 1117
Neff, Abner R.—
Affidavits of Sam Ferguson and J. C. Lake sent to ... 903
Washington manager, duties of ... 1076
Newspapers—
No money paid for articles in ... 1070
No stock in Lake Company owned by ... 1076
Subsidized, no knowledge of ... 1060
Newport trials—
Government method of conducting, eminently fair ... 1092
Had Lake Company won, would have claimed entire contract ... 1111
Present at ... 1091
Pacific coast—
Petitions from chambers of commerce as to ... 1109
Petitions favored Holland Company ... 1109
Patents—
Of Lake Company, title to ... 1091
On submarines in my name ... 1070
Peacock, Edward L., chief constructor Lake Company ... 1066
Politics, company takes no hand in ... 1081
Postal cards—
Copy for preparation of ... 1063
Prepared and distributed (Skerrett) ... 836
Stopped mailing when Lilley resolution introduced ... 1063
Washington office, now sent out from ... 1068
Protector—
Board on construction requested building of ... 1093
Electric Company demanded construction of, stop ... 1094
Senate passed bill to purchase, killed in the House ... 1088
Sought capital to build ... 1093
Rice, Isaac L., statement concerning charge of Lake Company selling out ... 1083
Russia—
Lake Company contracts with ... 1097
Lake Company owns plant in ... 1075
Russian Government—
Highest price for submarines received from ... 1101
Thorough investigation by, submarine types ... 1100
Schofield, Ex-Lieutenant, Lake commanded by ... 1099
Scientific American—
Article in, knew nothing of, until after publication ... 1068
Best article on submarines in United States ... 1068
Secret papers—
Abroad when procured ... 1064
Sent me at Berlin from Bridgeport ... 1064
Shultz, William H., private secretary of ... 1068
Singer Manufacturing Company—
Lake Company stock owned by certain officials of ... 1075
Makes no parts for boats ... 1076
Skerrett—
Collected material for postal cards ... 1062
On friendly terms with ... 1065
Resignation from company, cause of ... 1064
Smith, Friend W., visited by Hall ... 1093
Spear, Lawrence Y.—
Paper on submarines, extract from ... 1115
Statement as to paper by ... 1114
Sperry's bill fair submarine proposition ... 1117
Statement submitted to committee, prepared by witness ... 1092

LAKE, SIMON—Continued. Page.
Testimony of—
Stock books—
Can be examined any time ... 1118
Have charge of, at present time ... 1080
Submarines—
Cheaper when number contracted for ... 1100
Danger of operation ... 1101
Most important weapon ... 1098
Naval act should provide for, in same manner as battle ships, cruisers, etc ... 1116
Profit on, as to percentage of ... 1100
Taylor, papers prepared by, should not have been printed by Skerrett ... 1064, 1066
Thurston, submitted brief to Attorney-General ... 1092
Tonnage price decreased in last six years ... 1091
United States—
Employees, worked on Holland boats before acceptance ... 1105
Naval rank of ... 1097
Submarines needed by ... 1098
Submarines owned by, out of date ... 1102
Vickers-Maxim Company—
British Government, secret arrangement with ... 1099
Contemplated purchase of Lake interests by ... 1083
Whitney, F. B.—
Assistance rendered by, while clerk to Naval Committee ... 1072
Private counsel for ... 1069
Salary paid ... 1073
Vice-president Lake Submarine Company ... 1069
Why employed by company ... 1073
Willard Storage Battery Company, machinery purchased of ... 1076
Testimony relative to—
Anonymous reports discussed on submarines with (Skerrett) ... 880
Contract, requested delay in making (Metcalf) ... 277
Investigation against (J. C. Lake) ... 1253
Letter, none from (Lilley) ... 57
Manager of Berlin office (Skerrett) ... 880
Officer of Lake Company (Lilley) ... 37
President Roosevelt, appeal to, article from Bridgeport Evening Post. 397
Wondered as to who sent reports on submarines (Skerrett) ... 880
LAKE SUBMARINE BOAT:
Newspaper clipping concerning second trial (exhibit) ... 242
LAKE SUBMARINE COMPANY:
Testimony relative to—
Business engaged in (Lake) ... 1069
Controlling interest in owned by same parties owning Lake Torpedo Company ... 1069
Whitney, F. B., vice-president of (Lake) ... 1069
LAKE TORPEDO BOAT COMPANY:
Contract for construction (Appendix D) ... 314
Testimony relative to—
Advertisements of, resemblance to article in Journal United States Artillery, "coincidences" (Skerrett) ... 891, 892, 893
Amalgamation with, propositions for, made to (Rice) ... 445–446
Appropriation, concerning one-half of (Gordon) ... 416
Appropriation, contention against giving to (Gordon) ... 417
Archibald, never connected with (Adams) ... 1168
Argument for, wrote, also article in Journal of United States Artillery, former first (Skerrett) ... 893
Attorneys for (Lilley) ... 52–53
Consulted with (Lilley) ... 53
Not approached by (Lilley) ... 53
Officials, or stockholders not acquainted with (Kellogg) ... 383
Bath Iron Works, contracts to build boats (Metcalf) ... 279
Bids as to speed, no knowledge of (Skerrett) ... 852
Bids of, under act of 1907 ... 1848
Bids, under competitive, to make best boat yet produced (Skerrett) .. 853

LAKE TORPEDO BOAT COMPANY—Continued. Page.
Testimony relative to—
Boat—
Did not try to build best, they could (Skerrett) 885
Offered to build, for $525,000 (Metcalf) 276
Boats built for foreign governments by, whether rejected (Skerrett) 854
Boats of, built by Bath Iron Works (Lilley) 37
Bonds and notes, none outstanding (Lake) 1076
Books of account, have charge of (Adams) 1154
Books, papers, etc.—
Production of, requested of 1635
Statement concerning producing (Thurston) 1081
Willing to show if Electric Company shows (Lake) 1080
Bridgeport Brass Company, no contracts with (Ferry) 672
Capital stock and dividends of (Lake) 1097
Charges made by (Rice) 447
Competing company (Lilley) 37
Competition—
Contract given to promote (Capps) 305
Unfair (Rice) 435
Competitor, active, of Electric Boat Company (Lilley) 38
Connecticut delegation consented to go to Navy Department on behalf of 1181
Controlling interest in, owned by Lake (Lake) 1096
Contract—
Conditions of (Metcalf) 270
For one boat, well satisfied with (J. C. Lake) 1255
Given to (Rice) 430–448
Let to (Rice) 445
Ought to be investigated (Erly) 1046
With Government, interest allowed (Lake) 1090
With Russian Government (Lilley) 44
Could buy out (Rice) 436
Disapproved article in Journal of United States Artillery (Skerrett) 891–893
Drawings and photographs of *Octopus* received from (Skerrett) 867
Electric Boat Company—
Brief of, referred to Attorney-General by attorney for (Gordon) 396
Consolidation with (Flint) 1424
Proposed division of business with (Rice) 438
Employ of, as to time of entering (Skerrett) 899
Flint, not connected with, in United States 1423
Flint & Co., selling agents of (Lake) 1095
Foreign office of, in Berlin (Skerrett) 879
Guaranty of speed of Lake 848
Instigation of charges, statement by chairman, as to 1082
Investigate, willing to (Lilley) 56
Investigation not instigated by (Thurston) 1051
Johnson, Arthur C., duties of (Neff) 1204
Lake, J. C., conducted affairs of (Adams) 1164
Legislation, trying to secure open (Lilley) 38–39
Letters, none from (Lilley) 57
Libel suit against, reference to 370
Lilley, George L.—
Denied operating on behalf of (Erly) 1047
Relations with, not improper (Kellogg) 385
Resolution, no knowledge of (J. C. Lake) 1255
Neff, Abner R., entered service of 1175
Negotiations—
For purchase (Rice) 436
For purchase of, and price (Rice) 438
On part of, to sell out (Rice) 436
Nelson not in employ of, when met (Skerrett) 855
New Willard luncheon, statement of as to position of (Thurston) 1206
Octopus, boat of, superior to (Skerrett) 887
Office of, in Berlin (Skerrett) 888–889
Padgett amendment, in effect favorable to (Lilley) 39
Patents, title to (Lake) 1091

LAKE TORPEDO BOAT COMPANY—Continued. Page.
Testimony relative to—
Politics, company takes no hand in (Lake) ... 1081
Preference to, by Navy Department (Rice) ... 426
Press agent employed (McNeir) ... 154
Prices named for purchase of (Rice) ... 437
Reorganization of, proposed (Rice) ... 438
Resigned from (Skerrett) ... 883
Resignation, work done for since (Skerrett) ... 883–884
Resolution emanated from (Lilley) ... 1586
Resolution for, would not offer (Lilley) ... 1321
Sale of, no one authorized to negotiate (Lake) ... 1092
Selling out, statement as to, by Rice, denied (Lake) ... 1083
Skerrett, Robert G.—
Contract with, verbal ... 815
Employed by, to go abroad ... 792
Stock books can be examined any time (Lake) ... 1118
Stock, Connecticut people hold two-thirds ... 1230
Submarine under construction by, for United States, motive power discussed (Skerrett) ... 848–849
Subsidiary companies of (Lake) ... 1069
Taylor, F. A., called on, did not get cordial reception ... 483
Thurston, attorney for ... 52, 1051
Propounds interrogatories ... 847
Represented (McNeir) ... 147
Trust necessary to be acquired to form (Rice) ... 435
LAKE TYPE:
Testimony relative to—
Contract for (Kellogg) ... 383
Contract for, opposed to awarding (Kellogg) ... 383
Protector had forgotten (Skerrett) ...
LAMAR, ROBERT (a Representative from Missouri):
Testimony relative to—
Electric Boat Company has no agent or attorney in district of (Frost) ... 501
LAWYERS. (*See* Attorneys.)
LEGISLATION:
Testimony relative to—
Concerning charge to corrupt (Rice) ... 432–433
Contingent contracts with attorneys to obtain favorable (Rice) ... 444
Electric Boat Company alone in efforts to secure (Lilley) ... 38
Exclusive, until after Attorney-General's opinion (Lilley) ... 1623
Woman, no knowledge of, in connection with (Rice) ... 462
LESSLER INVESTIGATION:
Hearing on ... 526
House Report No. 3482, Fifty-seventh Congress, second session ... 523
Kerr, Dr. W. R., was present at ... 119
Lilley, George L., familiar with ... 28
Occurred before service of Representative Lilley ... 6
Reference to ... 34, 35
Testimony relative to—
Report of, did not read (Lilley) ... 1558
LETTER, ANONYMOUS:
Received by Carmichael, contents of ... 769
Testimony relative to—
Carmichael, Jesse L., received February 13, 1908 ... 768
LETTERS, ANONYMOUS:
Testimony relative to—
Chairman select committee, statement concerning ... 1369
Edinborough and Carmichael did not write to (Webster) ... 1539
Examination of (Carvalho) ... 1372
Number received (Webster) ... 643
Preparation of, no knowledge as to (Neff) ... 1499
Receipt of, by Lilley ... 62
Written on same machine as identified exhibits (Osborn) ... 1408
Written on same machine as identified exhibits (Kinsley) ... 1397
Written on same machine (Carvalho) ... 1377
Written on Smith-Premier machine of witness (Neff) ... 1496

	Page.
LEUMAN, WILLIAM G.:	
Assistant ticket agent, New York	1755
Testimony of—	
Lake, J. C.—	
Sailed for New Orleans, March 18, 1908	1756
Sold transportation in March, 1908	1755
LIBEL SUIT:	
Testimony relative to—	
Keigwin, Charles A., attorney for Lord	259
LIBERTÉ, Paris paper, quoted (Rice)	433
LILLEY, GEORGE L. (a Representative from Connecticut):	
Affidavits of Ferguson and J. C. Lake laid on committee table by	903
Affidavits of Ferguson and J. C. Lake presented to (Neff)	905
Barnett, Maurice, subpœna of, insisted upon	23
Bribe, offered to (New York Sun)	1281
Campaign funds, expects to prove contributions to	8
Charges by—	
Antedate service in Congress ten years	6
Statement of	5
Counsel—	
May be accompanied by, and consult	20
Permission to, to have, of no benefit	24
De Armond, Representative David A., denies alleged newspaper interview accusing	9, 10
Detectives—	
Alleged to be shadowing	15
Letter of committee to, as to whether shadowing hampers	21
Dulles, William—	
Letter to	263
Letter from	264
Electric Boat Company—	
Alleged attempt by, to influence	7
Officers of, should be examined by attorney	25
Frost, Elihu B., subpœna of, insisted upon	23
Griggs, James H., denies alleged newspaper interview accusing, of graft	9, 10
House resolution No. 264, introduced by	363
Illness, certificate of, April 27, 1908	1751
Interviews subsequent to submission of resolution for investigation	8–9
Investigation of charges by, functions of committee authorized to make	25
Investigation, purposes of would defeat	27
Lessler investigation, prior to service of	6
Letter, anonymous, received by	263
Letter from—	
Clippings, etc., as to value of torpedo boats	350
To chairman select committee, March 19, 1908	1474
To chairman select committee, March 16, 1908	1476
To chairman select committee, March 19, 1908	1475
Letter of, to investigating committee, concerning detectives, chairman authorized to reply to	20
Letter to chairman select committee—	
March 28, 1908	1477
March 30, 1908	1476
April 21, 1908	1480
Letter to—	
From special committee (March 13, 1908)	71
From J. C. Lake, requesting influence (exhibit)	1310
Letters, notebooks, and papers, notified to produce, by chairman	626
Letters, papers, etc., argument of attorney against production of	1661
Members of Congress—	
Declines to name those influenced	6–7
Election of certain, efforts for and against	23
No money paid to, as bribe	8
Will indicate those influenced when investigation ordered	6
Names, declines to give any, until investigation ordered	7
Naval Committee, members of, declines to name	5
"New manufacturer," import of words used	683
New York Sun, article from, concerning, February 21, 1908	1280

LILLEY, GEORGE L.—Continued. Page.
Patents, Commissioner of, letter from, to Lilley, concerning Charles P. Nelson's application ... 1368
Prosecutor, not in position of (Boutell) ... 26
Questions submitted by—
To Witness Barnett ... 699
To Witness Capps ... 305
To Witness Erly ... 779, 1047
To Witness Ferry ... 676
To Witness Frost ... 510, 522
To Witness Gordon ... 418–422
To Witness Johnson ... 739
To Witness Simon Lake ... 1100
To Witness Spear ... 219
To Witness Treadwell ... 742
To Witness Vreeland ... 791
To Witness Wooley ... 784
Questions submitted for technical witnesses ... 366
Resolution authorizing investigation of charges by ... 3
Resolution by, corruption not charged in ... 4
Responsibility, feels relieved of ... 26
Rice, Isaac L., subpœna of, insisted upon, by ... 23
Rules, Committee on, statement to correct erroneous impression of charges made before ... 22
Sherman, Representative J. S., denies alleged newspaper interview accusing ... 9, 10
Testimony, not prepared to give ... 15
Treadwell, August, jr., subpœna of, insisted upon (Lilley) ... 23
Washington Post—
Authenticity of, admitted by ... 4
Interview in ... 10–13
Witness, waives service of summons as ... 27
Witnesses—
Addresses of, ready to furnish ... 23
As to order of calling and examination of ... 14, 15
Desires to call additional ... 745
For committee to say whether those named by, shall be examined ... 24
Responsibility upon committee to call those named by ... 24
Subpœnas to, deferred until after examination of ... 21
Testimony of—
Affidavits given newspapers, statement as to ... 1325
Appropriation for submarines, proposed to prevent competition ... 33
Armor plate, know nothing of prices for ... 1360
Attorneys—
Assumed in other districts because in mine ... 1578
Employed by Electric Company, statement as to ... 1560
In districts, statement as to ... 1572, 1573
Large number employed to represent Electric Company ... 1324
Names of, handed committee, failed to get ... 1329
Names of, not furnished by Neff or Thurston ... 56, 57
Attorneys for Electric Boat Company—
Employment in Congressional districts ... 49
In districts of Naval Committee members ... 51–52
In every district represented on Naval Committee ... 50
In Hobson's and Padgett's districts ... 51
Witnesses named as, will discover more ... 49, 50
Attorneys for Lake Company ... 52
Consulted with ... 53
Not approached by ... 53
Bannon, Henry (a Representative from Ohio), present at conferences with Senator Thurston ... 54
Barnett, questions asked about ... 58
Battle ships—
And submarines, no linking together of, in committee ... 1507
Do not remember vote on, in committee ... 1511
Boston Herald, extract from ... 33
Bowles, Admiral, profits in submarines ... 43
Brandegee, Senator, discussed naval questions with ... 1549

LILLEY, GEORGE L.—Continued. Page.
Testimony of—
British Government gets benefits of improvements in submarines..... 38
Brooker, Charles F., acquainted with..... 1335
Bulkeley, nothing to do with Lake contract..... 1611
Butler, Marion, author of amendment to act of March 2, 1907..... 60
Campaign contributions, charges as to, based on rumor..... 1580
Campaign contributions, how to ascertain, if made..... 32
Campaign funds, contributions to—
Books will show "Yellow-dog fund"..... 1324
Discussed..... 60
For and against members of Naval Committee.....
None expended to elect or defeat..... 60
Capps, Admiral, do not dispute testimony of..... 1350
Paid too much for submarines..... 1620
Catlin, Henry, can not be located..... 1330
Can not give present address of..... 770
Chairman, expected to be made, of investigating committee..... 1515
Charges—
Cover existence of Electric and Holland Boat companies..... 61
None against Members of Congress..... 61
Not vague statements..... 6
Communications, written, none except Judge Gordon's printed matter. 57
Competition in contracts, not availed of..... 618
Competition, open—
In favor of..... 1328
Meaning of..... 1622
Talked of, in committee..... 1365
Complaints, received some..... 57
Congressional districts, employment of attorneys in..... 49
Congressman since 1902..... 34
Congressman's constituents—practice of employing ought to be condemned..... 33
Congressmen, reasonable, to intercede at Departments..... 1619
Connecticut—
Delegation, accompanied to Navy Department..... 1322
Legislature, no knowledge of resolution by..... 1326
Senators, did not consult with concerning resolution..... 1621
Contracts for submarines, difference between propositions submitted this and previous year..... 36
Corrections of record..... 1485
Correspondence, do not preserve..... 1502
Correspondence, private, not within scope of committee to examine.. 1521
Corruption, know of no further witnesses to prove..... 1330
Counsel, names of..... 52
Cowart, Robert E., attorney for Electric Boat Company..... 49
Dayton, A. G.—
Confidential letter from..... 57
Contributions made against..... 1580
Large sum of money spent to defeat..... 60, 61
Wrote to after introducing resolution..... 1585
Detectives, shadowed by..... 67, 68
Detroit News, articles from, on Loud and Gordon..... 30, 31
Edinborough—
Statement as to summoning of..... 1598
Webster wrote letter to..... 1530
Why summoning requested..... 1529
Electric Boat Company—
Alone in efforts to secure legislation..... 38
Amendment to act of March 2, 1907, drafted by attorney of..... 60
Attempt by, to influence action of..... 29
Best boat at Newport trials..... 1327
Can not build large boat without hydroplanes..... 456
Lake Torpedo Boat Company, active competitor of..... 38
Maintained lobby..... 28
No business except to secure Government contracts..... 34
No communications with reference to..... 57
Prepared committee amendment and resolution..... 1324

LILLEY, GEORGE L.—Continued. Page.
Testimony of—
Electric Boat Company—Continued.
Profits of ... 32
Sublets contracts to Fore River Works ... 34
Transactions of, must necessarily remain in possession of ... 29
What it is ... 34
Wrongful methods of, definition ... 62
Erly-Broussard matter, statement concerning ... 785
Ferry, Charles—
Desired support of appropriation for Holland boats, reason ... 36
Interview with, time and place ... 35
Introduced to, by Kellogg ... 377
Foreign boats, makers of ... 38
Foss, Geo. E.—
Member of Naval Committee, no attorneys of Electric Boat Company in district of ... 50
Told by, of attorney in Loud's district ... 1563
Frost, Elihu B.—
Could prove by, undue influence by newspaper correspondents ... 49
Efforts of, to influence Naval Committee ... 32
Large sums of money spent by ... 1324
Lavish expenditures by ... 1577
Questions asked about ... 58
Goff, G. W.—
Letter, have not repudiated ... 1517
Letter to, did not dictate ... 1515
Gompers, propositions, statement as to ... 1334
Gordon, W. D., attorney for Electric Boat Company ... 49
Employment of, by Electric Boat Company ... 30
Lives in Mr. Loud's district ... 49
Gregg, A. W., Cowart constituent of ... 49
Grudge, has none against any man living ... 1332
Hobson substitutes, did not vote on ... 1359
Hobson, R. P.—
Agreed that practices of Electric Company were reprehensible ... 1507
Appointment on Naval Committee said to have been influenced ... 38
First meeting with ... 1512
Holland Boat Company, can not state when reorganization of, occurred ... 34
Lobby maintained by ... 28
Not now manufacturing boats ... 34
Organized into Electric Boat Company ... 34
Holland, John P., letters from ... 1319
Requests summoning of ... 1368
Holland or Lake, anybody can build better boats than ... 42
House resolution 264, purpose of introduction ... 1586
Do not know who prepared ... 1488
Introduction of, statement as to ... 1500
Neff's testimony correct, as to ... 1499
Statement concerning ... 1345
Hughes, not a supporter of ... 1593
Improper expenditure, will hand additional proof on ... 1332
Information, willing to obtain from any source ... 1332
Investigation would not have touched at Lake Company's request ... 1327
Not proper to start at request of competitor ... 1327
Willing to extend to all boat companies ... 55
Jamestown Exposition, voted against ... 1326
Jenkins, S. A., not acquainted with ... 1527
Kellogg, John P., approached by ... 35
Attorney for Electric Boat Company ... 49
Conferences between, not disapproved by Lilley ... 380
Conversation with, concerning submarines ... 378
Earmarks of, on Loudenslager amendment ... 40
Employed to influence witness ... 1336
Made appointment for Ferry to meet ... 36
No directions to, concerning conversation with ... 378
Political supporter of ... 384

LILLEY, GEORGE L.—Continued. Page.
Testimony of—
Kellogg, John P.—Continued.
References to Lake boat in conversation between 382
Refuses to express opinion as to proper exercise of influence by .. 386
Relations between, since investigation began 388
Would believe testimony of 1336
Written form of motion handed by, to 36
Lake and Electric contracts, have not read 1605
Lake, J. C., referred to 37
First meeting with 1234
Lake or Holland, anybody can build better boats than 42
Lake, Simon, officer of Lake Company 37
No letter from 57
Lake Torpedo Boat Company, approached by representative of, with substitute resolution for open legislation 39
Articles published by, no opinion as to 1579
Attorneys for 52–53
Boats of, built by Bath Iron Works 37
Contract of, with Russian Government 44
Did not know, paid for publicity 1584
Expected no information from, as to charges of corruption against Members of Congress 1323
Feel that they have not had a square deal 1327
Has attorneys in Connecticut 1582
No letter from 57
No suggestion from, concerning resolution 1322
Not related to or connected with in any way 1334
Padgett amendment in effect favorable to 39
Political, no interest in 1335
Resolution emanated from 1586
Trying to secure open legislation 38
Willing to investigate 56
Would have introduced resolution to investigate, had they employed same methods as Electric Company 1323
Would not offer resolution for 1321
Lathrop, letter to, refuses to present 1524
Law, know nothing concerning 1325
Legislation exclusive until after Attorney-General's opinion 1623
Lessler investigation—
Did not read report of 1558
Familiar with 28
For committee to determine whether shall be a reinvestigation ... 35
No final report of 34, 35
Letters—
Anonymous, received by 62
Concerning Electric Company receipt of 1319
Received by 57
Received by, none from Judge Gordon 57
Lobby, for Electric Boat Company 32
Lord, Frank B., paid by McNeir 47
Lord and Erly—
Newspaper correspondents 46, 47
Admitted being paid 48
Loud, George A.—
Gordon employed to influence 30
Memory of, not responsible for 1367
Not charged with being influenced 32
Testimony correct 1561
Loudenslager, H. C., member of Naval Committee, reference to motion offered by 39
"Loudenslager Amendment" 30
Effect of 43
In Naval Committee, history of 40
Marion Butler said to have drawn 40
Young man suggested substitute for 56
Marix Board, have not read report of 1557

LILLEY, GEORGE L.—Continued. Page.
Testimony of—
Members of Congress, attempt to influence, through newspaper articles. 48
Distinction between actual corruption of, and effect of influences on. 33
Effect of newspaper publications on 46
"Goats" should be separated from "sheep" 58, 59
Makes no charges against 58, 1574, 1587
No charges made against 1574
No charges against 1587
Witnesses to prove improper influence of, by newspaper correspondents 48
Methods, wrongful, none other than those enumerated 62
Morton, Paul, not acquainted with business affairs of Department 1352
Mudd substitute, voted for 1359
Names, prepared to give, of persons referred to in statement 30
Naval Committee, asked to offer substitute resolution in 39
Attendance at meetings 1592
Clique in, favoring submarines 1556
Election of members of, attempts to control 28
Member of, Fifty-ninth and Sixtieth Congresses 34
Membership on, offer to secure for certain Congressman 28, 29
Members of, makes no charges against 58
Members of, "traveling salesmen" for Electric Company, did not say 1502
Members of, whom Electric Boat Company has "given up," declines to testify as to 50
No reflection on, by 33
Resolution, do not remember telling any Member would introduce. 1365
Naval programme, called on President concerning 1511
Navy Department, detriment to country to have had five secretaries in five years 1341
Gross incompetency not charged 1342
Make no charges against 1345
No corruption in awarding contracts 1341
Neff, conversation with, after resolution introduced 1322
Did not know correct spelling of name 1320
Furnished names of witnesses 55
Had been importuned, by 1320
Statement concerning interview at Waterbury 1320
Suggested conference with Senator Thurston 54
Newspaper articles, does not vouch for truth of 59
Newspaper correspondents 32
Can not state what paid to 48
Employed by Electric Boat Company 46
Lord and Erly, can only give names of 47
Newspaper reports, colored by agents of boat companies 28
New Willard luncheon, did not attend 1327
Not present at 1321
New York Sun of February 21, no comment to make on 59
New York World, article from, as to placing in the record 59
Interview, denial of 1514
Sent secretary to Washington bureau to get copy of 786
Octopus and *Lake*, both obsolescent 42
Octopus, competition between, and *Lake* 32
Of Holland type 47
Mentioned in naval bill 43
Type, or a particular boat 37
Won because one year newer 42
Won in contest with *Lake* 37
Olcott, Jacob Van Vechten, member of Naval Committee, reference to. 51
Padgett amendment, voted for 1359
Effect of 43
Failed in committee, voted for 39
Padgett, Lemuel P., member of Naval Committee, amendment offered by for competition 39
Political ambition, not interested in Lake Company on account of 1334
Preparation, declines to explain 56
President, called on by invitation 1511

LILLEY, GEORGE L.—Continued. Page.
Testimony of—
Profits, excessive, incentive to Electric Company for bribery 1602
Profits, figures concerning compiled by Webster and Neff 1343
Statement concerning 1323
Publicity methods, of Lake Company, knew nothing of 1328
Purposes of, same as committee's 56
Resolution different from that of Rules Committee 61
Did not attempt withdrawal of 1506
Gave Webster draft of 1363
Offered by purpose of 33
No one urged drawing of 1326
No talk with any submarine representative concerning 1322
Statements concerning, as to, before introduction 1564
Would not have introduced had submarine provision been same as last year 1505
Rice, Isaac L., could prove by, undue influence by newspaper correspondents 49
Detectivas employed by 68
Questions asked about 58
Robertson, Chas. N., affidavit of, how procured 1527
Rules, Committee on—
As to defending Administration 1509
Prepared by Thurston 1576
Statement before 27, 28
Repetition of 29
Thurston assisted in preparing 60
Russian Government, Lake boats for 44
Saulte, W. H., does not correspond for newspapers 1594
Secretary of Navy—
Connecticut delegation on, to secure contract for Lake Company. 1614
Letter to, August 10, 1907 (Exhibit) 1503
Letter to, Septemper 23, 1907 (Exhibit) 1503
Letter to, statement concerning 1320
Recommended four submarines 41
Telegram to, August 10, 1907 1503
Select committee—
Do not criticise examination of witnesses by 1325
Have testified to, concerning all facts of own personal knowledge. 771
Ready to obey any order of 26
Sherman, Payne, Dalzell, and Hobson knew of resolution before introduction 1364
Sherman, Dalzell, Payne, and Hobson showed investigation resolution to 1504
Spencer, T. E., policeman, represents newspapers 1594
Submarines—
Competing companies constructing 36, 37
Competing or rival boat to *Octopus* 30
Competition in, explanation 67
Competition in, Newport 37
Constructing, no provision for, by Government 44
Cost of, no knowledge of 1600
English and German, superior to American 45, 46
Excessive profits in 45
For foreign governments, contracts for 46
Holland or *Lake*, anybody can build better boats than 42
Inferiority of domestic to foreign built 32
Legislation shaped to eliminate competition in 28
Letter received claiming newer and improved 57
Merits of 41
No shipyards or plants for constructing 37
None in American waters under construction 41
Not responsible for defeat of four battle ships, statement as to 1508
Patents on 38
Plans of, and time necessary in which to instruct 40–41
Provision, 1908, caused introduction of resolution 1624
Provision, 1908, would not have introduced resolution, could same have been amended 1625

LILLEY, GEORGE L.—Continued. Page.
Testimony of—
Submarines—Continued.
Time required to construct ... 44
Type of, section of, could be made from plans ... 45
Voted against in House ... 1365
Voted for in committee ... 1528
Voted for in 1906 ... 1551
Voted for in 1906 and 1907 ... 1357
Went down in ... 1330
ubsurface boat—
Model of, before Naval Committee ... 43
Voted for in committee ... 1365
Taylor, Franklin A.—
Approached by ... 35
Did nothing reprehensible in urging me to vote for submarines ... 1338
Incident, no recollection telling Webster of ... 1367
No corrupt intent ... 1338
Statement concerning ... 1337
Visited by, on behalf of Electric Company ... 1565
Telegram, requested Neff to write ... 1320
Testimony of, responsibility upon committee for insisting upon ... 27
Thurston, Senator—
Asked to see by Neff ... 1322
As to authorship of amendment to act of March 2, 1907 ... 60
Assisted in preparation of statement to Rules Committee ... 60
Did not employ as counsel ... 54
Mentioned as attorney for Lake Company ... 52
Suggestions of ... 54, 55
Talked with ... 53. 54
Torrington National Bank, director in ... 1335
Tracey, Thomas F., doorkeeper, represented newspapers ... 1594
Vickers Sons and Maxim, contract with Electric Boat Company ... 38
Vreeland, made argument before Naval Committee favoring competition ... 1555
Washington Post, interview, authenticity of ... 1509
Waterbury Republican, no connection with ... 1526
Webster, Benjamin—
Private secretary of ... 786
Telegram from, sent witness ... 1524
Testimony of present during ... 1363
Western concerns—one or two claimed to be in field ... 37
'Whitewashing," no statement as to, by committee ... 1514
Whitney, F. B.—
No conversation with ... 1575
Not acquainted with ... 1528
Witnesses—
Called by, questions concerning ... 58
Called in wrong order ... 1325
Further summoning of, will advise committee ... 1319
Names of, how obtained ... 55
Names of others to submit ... 61
Neff, furnished names of ... 55
Wooley, R. W., did not see alone in dining room of New Willard ... 786
Testimony relative to—
Affidavits—
Furnished to (Neff) ... 1188
Authorized giving out (Webster) ... 1266
Ferguson & J. C. Lake, presented to (Neff) ... 905
Boat company, relations with, not improper (Kellogg) ... 385
Broussard, Erly and Norcross conversation concerning (Wooley) ... 781
Conduct of, as Member of Congress, nothing reprehensible in (Kellogg) ... 386
Edinborough called on before taking stand (Edinborough) ... 708
Electric Boat Company, not in favor of monopoly of contracts by (Kellogg) ... 385

LILLEY, GEORGE L.—Continued. Page
Testimony relative to—
Ferry—
Conversation with, concerning $2,000 profit 678
Conversation between, discusses (Kellogg) 379, 380
Suggested line of conversation between (Kellogg) 379
Holland boat not as good as boats of other navies (Rice) 456
House resolution 264, given to, for introduction (Neff) 1489
Information given to, part of consolidation scheme (Rice) 439
Investigation, assistance rendered concerning (Neff) 1185
Investigation, conversation with as to (Erly) 1046
Investigation, never spoke to, concerning (J. C. Lake) 1253
Investigation, whitewash, looked like a (R. W. Wooley) 106
Lake Company denied operating on behalf of (Erly) 1047
Lake, Simon, introduced to, at Navy Department 1060
Lake atype of boat, protested against awarding contract for (Kellogg). 383
Legislation, did not threaten, concerning submarine (Kellogg) 384
Lord, sued for libel by (Webster) 1299
Methods of company, would be glad to know (Chas. Eaton Creecy) 95
Motives of (Rice) 435
Newspaper men not asked to intercede with (Kellogg) 376
Newspaper story—
Denial of, untrue (Lord) 252
Did not denounce on floor of House (Lord) 252
Newspapers, vented grievances in (Butler) 78
New Willard—
Interviewed at, by Lord 251
Luncheon, not present at (J. C. Lake) 1230
Naval Committee appointment—
Conversation with (Hobson) 66
Statement of, concerning, substantiated (Hobson) 63
Politics, Taylor supported in 474
Resolution of investigation, story about (Lord) 250
Secretary of the Navy, report of, ready to stand by (Kellogg) 378
Submarines—
Against (Neff) 1179
Argument with, as to type (Kellogg) 379
Contracts for, understood to favor division of (Kellogg) 385
Criticism, none to make of attitude concerning (Kellogg) 386
Differed with, as to type (Kellogg) 378
Holland type, vote requested for (Ferry) 675
In favor of expending limited amount for (Kellogg) 373, 374
Legislation concerning, no political influence to bear on (Kellogg).. 376
No use for (Taylor) 485
Not in favor of (Neff) 1182
Promised to vote moderate amount for (Neff) 1200
Proposition for competition fair (Kellogg) 373
Recollection that he favored four (Kellogg) 378
Talked with concerning (Taylor) 472
Taylor or Ferry, no expression to, that an order might be secured if Lilley favored (Kellogg) 380
Told to vote for (Taylor) 473
Vote on, of appropriation for (Kellogg) 384
Went down in one 1197
Taylor, F. A.—
Conversation with, at Waterbury, Conn 473
Conversations concerning submarine legislation (Kellogg) 376
Influenced by, to vote for submarines (Taylor) 481
Vote of, no intimation from, as to improper influence to secure (Kellogg). 382
Witnesses, suggested names of, to (Neff) 1188
"LILLEY" INVESTIGATING COMMITTEE:
(*See also* Committee under House Resolution No. 288; Select Committee.)
Counsel before, resolution concerning 20
Detectives, letter to Mr. Lilley concerning 21
Functions of (Lilley) 25

LITTLETON, MARTIN W.—Continued. Page.
Questions submitted by—
To Secretary Navy ... 288
To Skerrett ... 835, 843, 845
To Spear, Lawrence ... 237
To Taylor, Franklin A ... 488, 490
To Webster ... 1301
Stipulation as to certain witnesses ... 367, 368
LLOYD, ROBERT McA.:
Testimony relative to—
Acquainted with (Rice) ... 461
Had power to refuse to sign checks (Rice) ... 462
LOBBY:
Testimony relative to—
Electric Boat Company has never maintained (Johnson) ... 738
For Electric Boat Company (Lilley) ... 32
Lake Company has not maintained (Lake) ... 1070
Naval Committee, attempted influence of members of, by ... 22
Protest against charge of organized (Butler) ... 135
Submarine boat, maintained since 1893 (Lilley) ... 6
LOBBYING, did not care to do any (Gordon) ... 393
LONDON ENGINEER:
Testimony relative to—
Article written for (Skerrett) ... 813
LONG ISLAND:
Electric Boat Company's plant at (Spear) ... 240
LORD AND ERLY:
Testimony relative to—
Admitted being paid (Lilley) ... 48
Cleveland, Ohio, anonymous letter from (Webster) ... 1299
Electric Boat Co., not employed by (Rice) ... 466
Lilley, suit against for libel (Webster) ... 1299
Literary work, amount received for (McNeir) ... 135
Payment for (McNeir) ... 151
McNeir employment by, knew of (Frost) ... 496
McNeir paid by (Lilley) ... 47
Members of Congress never requested to interview (Frost) ... 498
LORD, FRANK B. (newspaper correspondent, Washington, D. C.) ... 250
Postal card received by, concerning British submarines ... 835, 836
Testimony of—
Campaign contributions charged by Lilley ... 251
Colored articles, as to writing ... 253
Commercial Club, of St. Louis, entertained by ... 253
Committee on Naval Affairs, members of, Lilley wanted to show up ... 252
Dalzell, John, misunderstanding of Lord interview ... 255
De Armond, D. A., accusations by Lilley ... 251
Electric Boat Company, never in employ of ... 252
Erly, Angus, have talked often concerning Lilley ... 258
Griggs, J. M., accusations by Lilley ... 251
Libel suit, Charles A. Keigwin, my attorney ... 259
Lilley, George L.—
Denial of newspaper story untrue ... 252
Did not denounce newspaper story on floor of House ... 252
Have not proposed printing articles reflecting upon ... 258
Interview, original copy as to existence of ... 256
Interviewed at New Willard ... 251
Resolution, wrote story about ... 250
McNeir, Charles S., amount paid by, for services ... 260
Articles written for, not published in New York Sun ... 254
Have written stuff for ... 252
Knew represented Electric Boat Company ... 260
New York Sun, complaints made by Lake ... 260
Formerly employed by ... 250
Income from ... 259
Resignation asked for, by ... 257
Would not print colored stuff ... 253
New York World, as to article in ... 255
Padgett, L. P., Lilley claimed, against proposition ... 252

LORD, FRANK B.—Continued. Page.
Testimony of—
Ripley, George, have not talked with.. 258
Rules, Committee on, Lilley resolution as to report by 251
Sherman, J. S., accusations by Lilley 251
Vermont, statement as to, by Lilley 251
Williams, John Sharp, accusations by Lilley 251
LOUD, GEO. A. (a Representative from Michigan) 774
Edinborough given permission by, to testify fully 697
Letters, anonymous. Statement concerning, sent to Chairman Select Committee 1369
Questions submitted by, to Witness Edinborough 723
Testimony of—
Edinborough, did not tell Gordon was imposing on me 775
As to conversation in room of 774
Gordon, Wm. D.—
Constituent of 389
Did not threaten political opposition 774
Not put forward as candidate against me 777
Not informed of his employment by 776
Not officially connected with 389
Not sent for by Frost to control 422
Recalled no message to, after favorable submarine legislation 777
Regretted employment by electric company 774
Retained by Electric Boat Company after my appointment to naval committee 775
Submarine legislation, did not confer with Gordon concerning 777
Testimony relative to—
Acquainted with (Gordon) 392
Acquainted with, for fifteen years (Gordon) 417
Appointment from, not sought, nor a candidate against (Gordon) 418
Conversations with (Gordon) 419
Detroit News, articles from, in reference to (Lilley) 30, 31
Edinborough, Frank L., formerly private secretary to 695
Electric Boat Company, did not direct or request conferences with (Gordon) 392
Has attorney in district of (Frost) 499
View of, not presented to (Gordon) 393
Friendly to submarine legislation (Gordon) 418–419
Gordon, W. D.—
Angered at efforts of (Edinborough) 698
Anxious should know outcome submarine legislation (Edinborough) 701
Complained of employment of (Vreeland) 790
Constituent of (Lilley) 49
Conversation with Edinborough 699
Had no exact knowledge as to business in Washington 774
Employed to influence (Lilley) 30
Knew was in Washington for Electric Company (Edinborough) 700
Ignorant of how he voted (Gordon) 420
Interference with, no knowledge of politically (Gordon) 394
Letter, anonymous, spoken to concerning (Carmichael) 769
Memory of, not responsible for (Lilley) 1367
Naval Committee, on (Rice) 465
Member of (Gordon) 389
Served on, in first term (Gordon) 417
Neff, Abner R., conversation with 1177
Opposed politically, since retained by Electric Boat Company (Gordon). 393
Senate, candidacy for, statement as to (Edinborough) 724
Submarine legislation, talked with about (Gordon) 393
Submarines, concerning, not talked to, this session of Congress (Gordon). 421
Testimony, correct (Lilley) 1561
LOUDENSLAGER, H. C., a Representative from New Jersey:
Testimony relative to—
Amendment, did not urge adoption of (Rice) 442
Do not know if attorneys of his company urged (Rice) 442
Good for Government and his company (Rice) 442
Pleased with (Rice) 442

LOUDENSLAGER, H. C.—Continued. Page.
Testimony relative to—
Butler, Marion, never talked with, concerning amendment of 1908.... 128
Butler, T. S., at department with, once only, ten days ago..... 342
Electric Boat Company has no agent or attorney in district of (Frost) . 498
Naval Committee, member of—
Resolution offered by, on submarines 423
Reference to motion offered by (Lilley)..... 39
Motion by, in Naval Committee, concerning submarines, reference to (Kellogg)..... 382
Secretary of Navy, called on as to question of discretion..... 278
Correction of testimony concerning..... 301
Spear, as to questions asked (Rice)..... 466
LOUDENSLAGER AMENDMENT:
Naval Committee, 1908 (Exhibit)..... 1358
Reference to (Lilley)..... 30
Testimony relative to—
Butler, Marion, said to have drawn (Lilley)..... 40
Earmarks of John P. Kellogg on (Lilley)..... 40
Effect of (Lilley)..... 43
In Naval Committee, history of (Lilley)..... 40
Lilley, did not submit to (Kellogg)..... 382
Substitute, young man suggested (Lilley)..... 56
LUNCHEON. (*See* New Willard Luncheon.)
LUTAN:
Testimony relative to—
Statement as to sinking of (McNeir)..... 147
McADOO, WILLIAM:
Testimony relative to—
Acquainted with (Rice)..... 458
Once employed by Holland Company (Rice)..... 459
McCULLOUGH, Loud served on (Gordon)..... 417–418
McNEIR, CHAS. S., attorney-at-law, Washington, D. C..... 138
Letter from, showing comparative prices of submarines..... 348
Subpœnaed..... 422
Witness, desired as..... 17
Testimony of—
Ankeny, Senator, called on concerning submarines for Pacific coast... 140
Berger Company, Herbert, former Secretary of Navy, and Micow, represented..... 147
Dolphin, never heard of entertainment on 154
Electric Boat Company, attorney for, under written contract..... 139
Erly, Angus, amount received for literary work, $36..... 152
Literary work, payment for..... 151
Frost, E. B., correspondence with, as to..... 144
Giralda, statement as to yacht..... 145
Gordon, Mr. of Michigan, statement concerning 143
Government officials on yacht *Hist*..... 146
Gratuitous assistance to Company rendered by 145
Humphrey, W. E., called on concerning submarines for Pacific Coast. 141
Johnson, Arthur, press agent for Lake Company..... 154
Kahn, Julius, called on concerning submarines for Pacific Coast..... 141
Lake Company, contract with Government, have seen..... 148
Lake Company, had press agent..... 154
Lake Company represented by former United States Senator Thurston. 147
Literary work, have current expense account to cover..... 152
Lobbyist, denies being..... 140
Lord, Frank B., literary work, amount received for..... 153
Lord, Frank B., literary work, payment for..... 151
Lutan, statement as to sinking of..... 147
Marix board report, statement as to..... 149
Members of Congress not at Newport trial..... 145
Money, spent none to influence Members of Congress..... 142
Newport, R. I., present at trial of submarines, at..... 145
Newspaper men, no money paid to, outside of Lord and Erly..... 153
Newspaper or magazine writers, statement as to money paid to..... 149
Newspapers, no campaign of publicity in..... 153
New York Times, application for article from..... 150

McNEIR, CHAS. S.—Continued. Page.
Testimony of—
Press agent, acted as 147
Publication of articles, no money spent 151
Services, nature of, to Electric Boat Company 139
Submarines, comparative cost of, statement as to 148
Subpœna duces tecum, waives formality of signature by Speaker 155
Unwilling witness, denies being, and makes statement 138
Testimony relative to—
Acquainted with (Gordon) 395
Congress, or naval committee, never asked about 1040
Erly, distributed articles for 1040
Holland Boat Company, said to have been retained by 5
Lord, Frank B., amount paid to (Lord) 260
Lord, Frank B., has written for 252
No knowledge of patent work by (Rice) 464
McPHERSON, Ex-United States Senator, New Jersey:
Testimony relative to—
Experimental submarine favored by 81
MAGAZINE ARTICLES:
Testimony relative to—
Socialism, article on, by Webster 1263
MARIX BOARD:
Testimony relative to—
Composition of (Spear) 223
Composition of (Metcalf) 269
Report of, as to (J. C. Lake) 1224
Report of, have not read (Lilley) 1557
Statement as to report (McNeir) 149
MARYLAND, No recollection of employment of any person from (Rice) 466
MATERIAL AND SUPPLIES FOR SUBMARINES. (*See* Submarines.)
MATLACK, M. E., Printing Clerk, House of Representatives 1262
Testimony of—
Lilley resolution and bill, have charge of originals 1262
Lilley resolution, explanation as to dates on 1295
MATTESON, FREDERICK W.:
Testimony relative to—
Residence and place of business (Skerrett) 897
MEMBERS OF CONGRESS:
Resolution authorizing investigation of charges against 3
Testimony relative to—
As to influencing by woman (Rice) 462
Attempt to influence through newspaper articles (Lilley) 48
Attitude of on submarines, no reports received (Butler) 134
Attorneys from districts of, not employed to influence (Rice) 440
Berger Company, none stockholders or directors in (Pemberton) 758
Bribe, no money paid to (Lilley) 8
Butler, Marion, never spoke to, concerning submarines 129
Campaign funds of Electric Boat Company, charged with contributing to 5
Charges, apply to Members of 60th Congress (Lilley) 7
Charges, none against (Lilley) 22, 23
Contributions for and against, none made (Rice) 432
Corruption of, expected no proof of, from Lake Company (Lilley) 1323
Departments, reasonable for, to intercede at (Lilley) 1619
Distinction between actual corruption of, and effect of influences on 33
Effect of newspaper publications on (Lilley) 46
Election of certain, efforts in favor of or against 23
Election of, no part taken in (J. C. Lake) 1234
Electric Boat Company has never assisted or helped defeat (Johnson) 736
No knowledge of expenditures by to elect or defeat (Lake) 1060
Spent no money to defeat (Frost) 509
Electric Company condemned for influencing (Webster) 1306
Entertainment, discussed with Frost (Rice) 461
Entertainment furnished to, by Frost (Rice) 431–432
Entertainment of never participated in (Adams) 1156
Entertainment of (Rice) 461

MEMBERS OF CONGRESS—Continued. Page.
Testimony relative to—
"Goats" should be separated from "sheep" (Lilley) ... 58, 59
Gordon, W. D., friendly with (Edinborough) ... 712
Harper's Magazine article, no knowledge of mailing to ... 834
Harper's Weekly, did not mail to (Lake) ... 1076
Harpers Weekly, know nothing of sending to (J. C. Lake) ... 1240
Improper pressure, none brought to bear upon (Lake) ... 1071
Investigation, did not talk with, concerning ... 1189
Kerr, Dr. W. R., never spoke to ... 118
Lake boats, Neff called on concerning ... 1176
Lake Company, no stock in, owned by ... 1074
Lake Company, Washington office of, none called at ... 1167
Lake contract, none present at signing of (Metcalf) ... 277
Lavish entertainment, charge denied (Frost) ... 507
Lilley, George L., declines to name those influenced and those defeated 6
Lord, Frank B., never requested to interview (Frost) ... 498
McNeir, Chas. S., not expected to speak with nor influence (Frost) ... 496
March trial, not secured by (Thurston) ... 1114
Money, none spent to influence (McNeir) ... 142
Names of those influenced to be given at investigation (Lilley) ... 6
Naval act, 1907, intent and purpose of, did not know (Lake) ... 1113
Newport, R. I., trial, not present at (McNeir) ... 145
No charges against (Lilley) ... 58, 61, 1587
No charges made against (Lilley) ... 1574
No improper conduct in relation to any, on part of Electric Boat Company (Gordon) ... 395
No knowledge of assistance to elect or defeat in (Gordon) ... 394
No knowledge of attempt to influence (Rice) ... 461
No knowledge of communication to influence, from Fore River Shipbuilding Company (Rice) ... 460
No money paid to (Rice) ... 461
No retainer to any (Rice) ... 461
None stockholders in Electric Boat Company (Rice) ... 459
Postal cards concerning British submarines mailed to ... 836
Postal cards sent to (Skerrett) ... 884
Propaganda to educate, started (Lake) ... 1062
Propriety of drafting bills for and meeting ... 1057
Sands, F. P. B., did not try to reach ... 111
Statement as to influencing (Thurston) ... 1055
Stock in Electric Boat Company, none owned by ... 515
Submarine exhibitions, entertainment of, at (Frost) ... 507
Submarines, never talked with concerning (J. C. Lake) ... 1234
"Submarine torpedo boats," catalogues concerning mailed (Lake) ... 1062
Submarines, voting for, no corrupting influence (Spear) ... 236
Witnesses to prove improper influence of, by newspaper correspondents (Lilley) ... 48
MEMBERS OF SIXTIETH CONGRESS, charges apply to (Lilley) ... 7
MEMORANDUM—ANONYMOUS, Edinborough received, contents of ... 726
MERRY DEL VAL, papal secretary of state:
Testimony relative to—
Name in letter received (Webster) ... 1641
METCALF, VICTOR H. (*see also* Secretary of Navy):
Letter to, from Thurston, concerning reference of law to Attorney-General ... 1050
METHODS, WRONGFUL, none other than those enumerated (Lilley) ... 62
MICHEL, H. S., superintendent Boylan Detective Agency, New Orleans ... 1764
Testimony of—
Habana, cabled to, to locate Lake ... 1765
Lake, J. C., instructed to locate ... 1764
MICHIGAN (*see also* Loud; Assistant Secretary of Navy):
Business in, of Electric Boat Company (Rice) ... 465
Electric Boat Company, no business of legal nature in, through me (Gordon) ... 389
MICOU, BENJAMIN, attorney at law, Washington, D. C.
Subpœnaed ...

	Page.
MICOU, BENJAMIN—Continued.	
Testimony of—	
Alabama delegation, acquainted with members of	754
Attorneys, propriety of preparing bills or amendments	752
Bath Iron Works, Berger Company arranged with, to build boat in case of contract	751
Berger Company does not manufacture boats	751
Berger Subsurface Torpedo Boat Company, attorney for	748
Chief clerk Navy Department three years	756
Duties of, as attorney for Berger Company	748
Herbert, Hilary A.—	
In favor of large Navy	756
Partner of	747
Hobson, R. P., asked, what committee had done about subsurface appropriation	755
Littlefield, C. E.—	
Prepared subsurface bill for	752
Subsurface boat bill, purpose of	753
Naval Affairs Committee, House of Representatives, informal hearing given by	750
Naval Committees, propriety of attorneys appearing before	751
Secretary of Navy requested portion of appropriation 1907 for Berger Company	749
Senators Morgan and Pettus, well acquainted with	757
Subsurface Boat Company, counsel for (Berger)	688
Subsurface boats not comparable with submarines	749
MILLER, GEORGE, correspondent Detroit News:	
Testimony relative to—	
Anonymous letter shown to (Carmichael)	769
Detroit News, correspondent of, at Washington (Edinborough)	723
MILLER, HENRY J., subpœnaed	422
MILLER, L. B.:	
Subpœnaed	422
Testimony relative to—	
Lake Company, director of (Lake)	1094
MONOPOLY:	
Testimony relative to—	
Lake contract given to avoid	305
MOORE, EDWARD B. (Patents, *see* Commissioner of)	1368
MORMOSE, Southern Pacific Line, Lake, J. C., sailed on	1214
MUDD, SYDNEY E. (a Representative from Maryland), member Naval Committee:	
Substitute resolution offered by, on submarines	423
Testimony relative to—	
Amendment to naval bill showed to (Neff)	1200
Electric Boat Company has no agent or attorney in district of (Frost)	499
Neff, Abner R., conversation with	1177
MUNN, CHARLES, editor Scientific American:	
Testimony relative to—	
Skerrett discussed submarine article with	797
MURRAY HILL HOTEL, Lilley dictated telegram to (Webster)	1653
NAVAL ACT, 1907:	
Testimony relative to—	
Butler, Marion—	
Drafted amendment, not adopted	127
Substance of amendment offered	127
Fairness of, statement as to (Lake)	1113
Submarine provision, statement as to exclusiveness of (Thurston)	1057
NAVAL ACTS:	
Testimony relative to—	
Circular containing, sent out (Lake)	1068
NAVAL AFFAIRS COMMITTEE, House of Representatives:	
Certificate of proceedings before	423
Charles Eaton Creecy appeared before	84
Hearings January, 1901 (Lilley's exhibit)	351
Hearings January, 1902 (Lilley's exhibit)	352
Letter to, requesting hearing, from Thurston, February 6, 1908	1052
Minutes of meeting February 10, 1908, extract from	693

NAVAL AFFAIRS COMMITTEE—Continued. Page.
Proceedings April 23, 1900 ... 157
Proceedings March 28, 1902 ... 189
Votes in, on submarines ... 423–424, 1634
Testimony relative to—
Appointed on, no influence to secure (Gregg) ... 69
Appointment on, how made (Gregg) ... 69–70
Appointment on, made official application for (Hobson) ... 65, 66
Assignments to, no influence upon (Rice) ... 440
Attendance at meetings of (Lilley) ... 1592
Attorneys for Electric Boat Company in districts of members of (Lilley). 51–52
Attorneys for Electric Boat Company in every district represented on Naval Committee (Lilley) ... 50
Battle ships and submarines, no connection between, in (Ellis) ... 1630
Campaign contributions, how to ascertain if made to (Lilley) ... 32
Clique in, favoring submarines (Lilley) ... 1556
Concerning appointment on (Hobson) ... 63, 64
Efforts to influence, by Frost (Lilley) ... 32
Electric Boat Company—
Alleged influence of, to secure appointments on ... 9
Attempt by, to influence appointment on (Hobson) ... 63–66
Charged with defeating members of ... 5
Lilley, Geo. L., substantiates statement of, concerning appointment (Hobson) ... 63
Conversation with, about appointment (Hobson) ... 66
Found fault with action of (Bates) ... 1724
Member of, in Fifty-ninth and Sixtieth Congresses ... 34
Wanted to show up (Lord) ... 252
Lobby, attempted influence by, of ... 22
Loud served on, during first term (Gordon) ... 417
Loudenslager motion in, history of (Lilley) ... 40
Member from North Carolina on (Rice) ... 464
Members of, charges of Lilley based partly on information from ... 6
Members of, not influenced (Chas. Eaton Creecy) ... 90
Members of, attempts to control election of (Lilley) ... 28
Members of, makes no charges against (Lilley) ... 58
Members of, whom Electric Boat Company has "given up," declines to testify as to (Lilley) ... 50
Membership on, offer to secure for certain Congressmen (Lilley) ... 28, 29
Motion in, written form of, handed to Lilley by Kellogg (Lilley) ... 36
No correspondence with members of, concerning candidacy for Congress (Gordon) ... 392
No influence to secure appointment to (Spear) ... 215
No reflection on (Lilley) ... 33
Not bribed (Rice) ... 433
Not directed to do or say anything touching action on programme of (Gordon) ... 421
Reference to proceedings in, on submarines (Lilley) ... 39
Representations on, from Virginia (Rice) ... 464
Spear, promised influence to secure appointment (Hobson) ... 64
Spear, received letter from, about appointment to (Hobson) ... 63–64
Subsurface boats, vote on ... 1366
Talking with members of, do not recollect (Spear) ... 225
Vote of members of, concerning (Gordon) ... 420
Williams, John Sharp, concerning appointment from, on (Hobson) ... 64–65
NAVAL AFFAIRS COMMITTEE, Senate:
Testimony relative to—
South Carolina Senator on (Rice) ... 464
NAVAL APPROPRIATION, 1908:
Testimony relative to—
Competition provided (Spear) ... 241
NAVAL ARCHITECTURE:
Sueter, work on, high authority (Skerrett) ... 873
NAVAL INTELLIGENCE BUREAU:
Depository of confidential reports (Skerrett) ... 894
NAVAL OFFICERS, UNITED STATES:
Testimony relative to—
Money, none paid to (Spear) ...

Page.
NAVAL POWERS:
Testimony relative to—
Submarine strength of (Lake) ... 1098
NAVIGATION, BUREAU OF:
No arrangement with anybody in, for information (Skerrett) ... 864
NAVY, officers and men of, no knowledge of gifts to (Rice) ... 467
Secretary of, discretion of (Rice) ... 467
NAVY DEPARTMENT:
Official records, extracts from. (*See* Nelson report, *Porpoise* and *Shark;* Reports on submarines, Journal United States Artillery; *Octopus.*)
Testimony relative to—
Bureaus of, functions (Skerrett) ... 858
Bureaus of, reports received from (Skerrett) ... 864–865
Business, none before, except for Electric Boat Company (Gordon) ... 395
Butler, Marion, correspondence with, substance of ... 124
Charges, make none against (Lilley) ... 1345
Confidential reports in—
Access to (Skerrett) ... 894
Depository of (Skerrett) ... 894
Disposition of (Skerrett) ... 894
Confidential reports to, how considered (Skerrett) ... 858–859
Contracts, no corruption in awarding (Lilley) ... 1341
Contract with, for Octopus type made by request of (Rice) ... 456
Criticism, none by (Lake) ... 1113
Detriment to country to have had five Secretaries in five years (Lilley) ... 1341
Efforts to influence, pronounced false (Rice) ... 425
Electric Boat Company—
Brief, took active part after filing of (Gordon) ... 395–396
Efforts of, to influence ... 5
Hostility toward, of (Gordon) ... 390
Employees of, acquainted with, certain (Skerrett) ... 865
Favors, never received from (Spear) ... 244
Gross incompetency not charged (Lilley) ... 1342
Holland Boat Company's design approved of (Charles Eaton Creecy) ... 82
Information, arranged with friends in, to secure (Skerrett) ... 862–863
Influence, concerning charge of efforts to (Rice) ... 427
Johnson, Norman G., never appeared before ... 731
Lake Company—
Preference given to, by (Rice) ... 426
Stock in, none owned by officials of ... 1075
March trial, how brought about (Lake) ... 1114
Money, none paid to officials of (Frost) ... 506
Neff, Abner R., business transacted at ... 1176
No secret, private, or personal representation made to any officer of (Gordon) ... 417
Officers of, gracious about giving out information (Skerrett) ... 859
Officials educated as to submarines (Charles Eaton Creecy) ... 84
Practice of, as to premiums and penalties in trial tests (Skerrett) ... 854
Price of submarines fixed by, not Congress (Capps) ... 290
Report and publications of, persons written to, for (Skerrett) ... 881
Report of board of, on engines (Gordon) ... 416
Reports received from, confined to submarine type in which interested (Skerrett) ... 877
Representations made at (Gordon) ... 396
Requested any information from (Skerrett) ... 877–878
Secret and confidential reports, company possessing has advantage (Skerrett) ... 886
Secrets of ... 875
Sources of information in (Skerrett) ... 863
Submarines, should send commissions abroad to study (Lake) ... 1117
Submarines, synopsis of facts relating to ... 244
Treatment of Electric Boat Company by (Rice) ... 426
Visits to (Skerrett) ... 957
NEFF, ABNER R.:
Erie, Pa., in charge of Lake Torpedo Boat Company's office in Washington, D. C. ... 904
Letter given to, from J. C. Lake for presentation to Lilley (exhibit) ... 1310

NEFF, ABNER R.—Continued. Page.
Subpœnaed ... 422
Testimony of—
Affidavits of Ferguson and J. C. Lake—
Came by mail ... 905
No typewritten copies of ... 905
Presented to Mr. Lilley, nothing else ... 905
Statement concerning ... 904
Affidavits, receipt of from Bridgeport ... 1196
Anonymous communication, written on Smith-Premier, machine of witness ... 1496
Anonymous letters, no knowledge of preparation ... 1499
Bannon, Lilley consulted with ... 1205
Barnett, prepared questions to be propounded to ... 1188
Bates, Arthur L.—
Conversation with ... 1177
Private secretary to ... 1174
Talked with after vote in Naval Committee ... 1497
Clippings, filed by Lilley, preparation of ... 1496
Competition, advantage of, urged by Lilley letter ... 1199
Competition, open, prepared fight for, on floor of House ... 1201
Competition, open, presented arguments for ... 1177
Connecticut Delegation, consented to go Navy Department on behalf Lake Company ... 1181
Connecticut Delegation, Lake gave luncheon to ... 1181
Connecticut Delegation, members talked with ... 1180
Creecy, Holland Company, knew of relations with ... 1189
Ferguson, Sam, concerning affidavit of ... 905
Foss, Geo. E., submarines, understood to be against ... 1177
Frost, Elihu B.—
Lilley suggested facts concerning ... 1193
Prepared questions to be propounded to ... 1186
Haynes, office key given to ... 1191
Hill, E. J., open competition, to make fight for ... 1201
House resolution 264, gave Lilley for introduction ... 1489
Not prepared before investigation resolution ... 1492
Prepared by ... 1489
Prepared in Lake office ... 1489
Investigation, desired to assist in all ways possible ... 1204
Jenkins, A. S., not acquainted with ... 1205
Johnson, Arthur C.—
Duties of, with Lake Company ... 1204
Prepared questions to be propounded to ... 1188
Kerr, not acquainted with ... 1190
Lake Company, entered service of ... 1175
Lake, J. C.—
Concerning affidavit of ... 905
Gave Connecticut delegation luncheon, New Willard ... 1181
Letter from, delivered to Lilley ... 1310
Suggested to, presenting arguments to Connecticut delegation ... 1181
Reported results to ... 1178
Letter to Secretary of Navy, received copy of ... 1313
Lilley, George L.—
Against submarines ... 1179
Assistance rendered to, concerning investigation ... 1185
Called on after resolution introduced ... 1184
Comment on submergence experience ... 1198
Conversation with, at Waterbury ... 1312
Did not tell vote of Naval Committee ... 1498
Furnished affidavits to ... 1188
Given scant consideration by ... 1180
Invited to submergence by Lake ... 1198
Not much of a fighter ... 1201
Open competition, in favor of ... 1180, 1200
Prepared questions for, on typewriters ... 1186
Questions submitted by, prepared by Thurston and witness ... 1205
Said Naval Committee had hot struggle ... 1201

NEFF, ABNER R.—Continued. Page.
Testimony of—
Lilley, George L.—Continued.
Services of witness, paid nothing for ... 1205
Submarines, promised to vote moderate amount for ... 1200
Telegram sent Secretary of Navy, by ... 1198
Went down in submarine ... 1197
Lilley resolution, first heard of on day of introduction ... 1182
Loud, Lilley said nothing concerning ... 1204
Loud, conversation with ... 1177
McNeir, duties similar to ... 1197
Members of Congress—
Called on, concerning Lake boats ... 1176
Did not talk with, concerning investigation ... 1189
Memorandum, February 13, 1908, did not write ... 1495
Mudd, Sydney E.—
Conversation with ... 1177
Showed amendment to ... 1200
Navy Department—
Business transacted at ... 1176
Kept in touch with ... 1178
Newspaper clippings, subscribed for ... 1191
Newspaper men, never talked business with ... 1183
Press committee, no part in hearing before ... 1192
Publicity work, nothing to do with ... 1183
Questions—
As to identification of ... 1194
Lilley's secretary assisted in preparation of ... 1195
Preparation of, for various witnesses ... 1195
Prepared, how obtained ... 1187
Revised Statutes—
Familiar with certain sections ... 1491
Whitney called attention to provisions of ... 1492
Rice, prepared questions to be propounded to ... 1186
Select committee, nothing to keep from ... 1196
Services of, at Washington ... 1175
Sperry bill—
Requested Lilley to urge in committee ... 1182
Saw Lilley concerning ... 1182
Urged provisions of, upon Naval Committee ... 1179
Submarines, Lilley not in favor of ... 1182
Subpœnas, received blank forms from Lilley ... 1309
Telegram to Secretary of the Navy, wrote for Lilley ... 1312
Thurston—
Advised with, concerning preparation of question ... 1196
Did not advise, as to conferring with Lilley ... 1183
Suggested Lilley see ... 1184
Treadwell, prepared questions to be propounded to ... 1188
Typewriters in office—
Number and make ... 1183
Whitney had use of ... 1494
Typewriters, Webster had nothing to do with ... 1496
Washington Sanitarium, J. C. Lake at ... 1197
Whitney—
Had courtesy of Lake office ... 1494
May have suggested resolution ... 264, 1490
Witnesses, suggested names to Lilley, of ... 1188
Women, prepared question containing name of ... 1195
Testimony relative to ...
Data, suggested by, to assist Lilley (Webster) ... 1288
Importuned by (Lilley) ... 1320
Lake Company, knew of employment by (Webster) ... 1286
Lake Company's Washington manager, duties of (Lake) ... 1076
Lilley resolution—
Did not mention to (Webster) ... 1288
Regretted introduction of (Webster) ... 1298
Questions, assisted by in preparation of (Webster) ... 1297

NEFF, ABNER R.—Continued. Page.
Testimony of—
Secretary of Navy, knew contents of letter to (Webster)..... 1292
Suggested conference with Senator Thurston (Lilley)..... 54
Waterbury interview, statement concerning (Lilley)..... 1320
Witnesses, furnished names of (Lilley)..... 55
NELSON, CHARLES P., Lieutenant, U. S. Navy:
Patent, assignment of (exhibit)..... 1481
Patent granted to, for nonfogging instrument (exhibit)..... 1481
Patents, Commissioner of, letter from, concerning issuing to (exhibit).... 1368
Testimony relative to—
Acquainted with (Skerrett)..... 855
Acquainted with (Spear)..... 232
Commanding officer of *Porpoise* (Skerrett)..... 857
Confidential report on *Porpoise*, to whom made (Skerrett)..... 856
Electric Boat Company purchased invention of (Frost)..... 512
Frost, acquainted with..... 511
Has not seen, since June, 1904 (Skerrett)..... 856
NELSON REPORT:
Testimony relative to—
Copy of, received anonymously (Skerrett)..... 866
Do not know whether any portion omitted (Skerrett)..... 878
Do not recall whether marked confidential (Skerrett)..... 866
Does not recall both commendation and criticism in (Skerrett)..... 877
Extracts from—how often received (Skerrett)..... 879
How information obtained, about (Skerrett)..... 862
Information about, obtained anonymously (Skerrett)..... 862
Might have been garbled (Skerrett)..... 878
Nothing to indicate its accuracy or verity (Skerrett)..... 878
Only used portion to substantiate his theory (Skerrett)..... 877
Probable notations upon (Skerrett)..... 878
Used criticism in (Skerrett)..... 877
NEWBERRY, TRUMAN H., Assistant Secretary of Navy:
Testimony relative to—
Acquainted with, but not intimately (Gordon)..... 93
Gordon not intimately acquainted with..... 390
Matters presented to (Gordon)..... 393
Requested by Frost to present matters to (Gordon)..... 393
NEW ORLEANS, testimony taken in..... 1757
NEWPORT NEWS, VA., PRESS:
Article from, May 4, 1906 (Lilley exhibit)..... 358
Article from, April 22, 1906 (Lilley exhibit)..... 357
NEWPORT, R. I.:
Testimony relative to—
Competition in submarines at (Lilley)..... 37
Submarine trial, McNeir present at..... 145
NEWPORT TRIALS:
Testimony relative to—
Electric Company, best boat at (Lilley)..... 1327
Government method of conducting, eminently fair (Lake)..... 1092
Lake Company would have claimed entire contract, if successful at (Lake)..... 1111
Lake, present at..... 1091
NEWSPAPERS:
Testimony relative to—
Articles in, no money paid for (Lake)..... 1070
Electric Boat Company, alleged subsidies paid by, to..... 5
Electric Boat Company has not subsidized (Barnett)..... 667
Electric Boat Company has not subsidized (Treadwell)..... 741
Lake Company, stock in, none owned by (Lake)..... 1076
Lilley, charges by, not based altogether on statements of..... 6
No payments made to (Charles Eaton Creecy)..... 95
No subsidy to (Rice)..... 430
Publicity, no campaign of (McNeir)..... 153
Reports of, colored by agents of Electric and Holland companies (Lilley)..... 28
Subsidized, know of none having been (Skerrett)..... 806

Page.

NEWSPAPER ARTICLES:
Testimony relative to—
Certain foreign, reference to (Rice) ... 433–434
Does not vouch for truth of (Lilley) ... 59
Money, none spent to color (Erly) ... 1041
Publication of, no impropriety in (Thurston) ... 1055
NEWSPAPER CLIPPINGS:
Testimony relative to—
Filed by Lilley, preparation of (Neff) ... 1496
NEWSPAPER CORRESPONDENTS:
Testimony relative to—
Affidavits, furnished by Webster ... 1266
Butler, Marion, no communication with ... 132
Can not state what paid to (Lilley) ... 48
Can only give names of Lord and Erly (Lilley) ... 47
Employed by Electric Boat Company (Lilley) ... 32, 46
Lake business, never talked with, concerning (Neff) ... 1183
Lilley investigation, claim became a joke (Webster) ... 1299
Lilley resolution, told of before introduction (Webster) ... 1277
Money alleged to have been paid to (Rice) ... 431
Money paid, statement as to (McNeir) ... 149
Subsidies to influence, no knowledge of (Lake) ... 1060
NEW SUFFOLK, Electric Boat Company, plants, at (Spear) ... 240
NEW WILLARD HOTEL:
Testimony relative to—
Never stayed at (Gordon) ... 421
NEW WILLARD LUNCHEON:
Testimony relative to—
Did not attend (Lilley) ... 1327
Not present at (Lilley) ... 1321
"New Willard Telegram," photographic exhibit of ... 1368
NEW YORK CITY, testimony taken in ... 1755
NEW YORK CLIPPING BUREAU, Lake Company, subscribed to ... 1191
NEW YORK HERALD:
Article from, June 5, 1907 (Lilley exhibit) ... 357
Article from, February 22, 1908 (Lilley exhibit) ... 360
Statement of Holland in, quoted ... 457–458
Testimony relative to—
Interview concerning Hobson's testimony (Spear) ... 218
NEW YORK SUN:
Article from, concerning Lilley's attitude, February 21, 1908 ... 1280
Article from, February 2, 1908 (Lilley exhibit) ... 361
Article from, February 7, 1908 (Lilley exhibit) ... 361
Article from, February 11, 1908 (Lilley exhibit) ... 362
Article from, February 20, 1908 (Lilley exhibit) ... 362
Testimony relative to—
Alleged interview in, with Representative Lilley, accusing certain Members of Congress of graft, denied ... 9–10
Colored stuff, would not print (Lord) ... 253
Formerly employed by (Lord) ... 250
Lord, Frank B., amount of salary ... 259
Lord, Frank B., resignation asked by Oulahan (Lord) ... 257
McNeir article, not published in (Lord) ... 254
No comment to make on article of February 21, 1908 (Lilley) ... 59
NEW YORK TIMES:
Testimony relative to—
Article, application for (McNeir) ... 150
NEW YORK WORLD:
Article from (Lilley exhibit) ... 359
Article from, as to placing in the record (Lilley) ... 59
Special article, March 8, 1908, concerning investigation ... 105
Testimony relative to—
Called on by representative of (Charles Eaton Creecy) ... 94
Denial of interview (Lilley) ... 514
NICOLL, DELANCEY, fee paid to, as attorney (Rice) ... 462
NIXON, LOUIS:
Testimony relative to—
Spear, salary offered to ... 220

NORTH CAROLINA: Page.
Testimony relative to—
Butler, Marion, from; also member on House Naval Committee (Rice). 464
O'BRIEN, MATTHEW:
Testimony relative to—
Select committee criticised by (Webster) 1533
OCTOPUS:
(*See also* Submarines, competition in.)
Testimony relative to—
Advance in design and construction over *Lake* (Skerrett) 847
Best possible, in that type (Skerrett) 885
Beyond comparison (Rice) 443
Breakdown of (Rice) 446
Breakdown of (Spear) 446
Competitive test won by (Rice) 446
Construction cost exceeded contract price (Bowles) 1743
Construction, cost of (Bowles) 1733
Detailed statement, cost of, company willing to furnish 1482
Diagram showing curves of resistance, how obtained and where deposited (Skerrett) 893
Diagrams, etc., original source of information in navy-yard (Skerrett). 894
Difference in size of, etc., and *Lake* (Skerrett) 847
Independent work on (Rice) 459
Information concerning, did not know it was confidential (Skerrett) 873
Information concerning, did not try to verify (Skerrett) 872–873
Information concerning, Dutch officers may have obtained from Electric Boat or Maxim Company (Skerrett) 896
Information concerning, leaked out at conference with Dutch officers (Skerrett) 872
Information concerning, refuses to give name of officer from whom obtained (Skerrett) 867
Lake boat preferred to (Skerrett) 848
Lake Company to make boat better than (Skerrett) 853
Mentioned in naval bill (Lilley) 43
No knowledge of loss of control of (Rice) 455
Not yet accepted (Rice) 446
Performances of, drawings and figures of, sent to Berlin office (Skerrett). 880
Plans, knew they were confidential (Skerrett) 870
Plans of, under construction while Lieutenant Costa in United States (Skerrett) 868
Statement about propeller shafts obtained from foreign officer (Skerrett) 866–867
Structural features of, don't know where Holland officers received information concerning (Skerrett) 896
Submerged runs in trial tests, comparison with *Lake* (Skerrett) 852
Superior to boat of Lake Company (Skerrett) 887
Technical information concerning, can not identify foreign officer which gave (Skerrett) 868
Won because one year newer (Lilley) 42
Won in contest with *Lake* (Lilley) 37
OCTOPUS AND LAKE:
Testimony relative to—
Both obsolescent (Lilley) 42
Comparative analysis of test trials between, comment on (Skerrett) 849–852
Relative merits, disagreed in part with Senator Thurston's contention as to (Skerrett) 886
Relative size and merits (Skerrett) 847
Relative value of, per ton 848
Report of board on, disagrees with, as to hydroplanes (Skerrett) 887
Report on, tests of, disagrees with, as to certain details (Skerrett) 887, 888
Trial tests of speed conditions (Skerrett) 848
OCTOPUS AND SIMON LAKE X, competition between (Rice) 436
OCTOPUS TYPE:
Testimony relative to—
Contract for, not present when made (Rice) 456
Superiority, percentage of (Spear) 243
OHIO, no recollection of employment of persons from (Rice) 466

Page.
OLCOTT, JACOB VAN VECHTEN (a Representative from New York), member of Naval Committee:
Reference to (Lilley) ... 51
Testimony relative to—
Electric Boat Company has no agent or attorney in district of (Frost) .. 500
Johnson, Norman G., acquainted with, never spoke to, concerning submarines ... 735
OLMSTED, MARLIN E. (a Representative from Pennsylvania):
Appointed on committee under House resolution 288 ... 3
Refers to report of "Lessler investigation" ... 35
OLNEY, RICHARD:
Testimony relative to—
Opinion by, concerning (Johnson) ... 735
O'NEIL, ADMIRAL CHARLES:
Testimony relative to—
Butler, Marion, statement as to testimony of ... 130
Submarines, opposed to (Butler, Marion) ... 130
OPEN COMPETITION. (*See* ompetition; submarines.)
ORDNANCE PATENTS, interest in (Skerrett) ... 884
OSBORN, ALBERT S., handwriting expert, Rochester, N. Y ... 1401
Testimony of—
Anonymous letters, written on same machine as identified exhibits ... 1408
Conclusions, how reached ... 1408
Identified exhibits, all written on Smith Premier ... 1407
Important cases connected with ... 1402
Operators, as to identification of ... 1412
Smith-Premier, style of type different from other machines ... 1406
Thurston's questions answered ... 1478
Typewriting, methods of identification ... 1404
PACIFIC COAST:
Testimony relative to—
Chambers of commerce, petitions sent by (Lake) ... 1109
Petitions from, favored Holland Company (Lake) ... 1109
Submarines, called on Senator Ankeny (McNeir) ... 140
Submarines, sentiment on, for (Ellis) ... 1630
PACIFIC IRON WORKS:
Testimony relative to—
Lake Company purchases material of (J. C. Lake) ... 1231
PADGETT, LEMUEL P. (a Representative from Tennessee) ... 1726
Testimony of—
Battle ships and submarines, no connection between ... 1727
Submarines, no one in committee objected to number provided for ... 1729
Would have voted for, had proviso been stricken out ... 1728
Vote on, in committee ... 1727
Testimony relative to—
Amendment, effect of (Lilley) ... 43
Failed in committee, voted for (Lilley) ... 39
In effect favorable to Lake Company (Lilley) ... 39
Offered by, for competition (Lilley) ... 39
Submitted by, on submarines ... 423
Electric Boat Company has no agent or attorney in district of (Frost). 500
Lilley claims against proposition (Lord) ... 252
PADGETT'S AND HOBSON'S DISTRICTS:
Testimony relative to—
Attorneys for Electric Boat Company in (Lilley) ... 51
PAINE, JOHN BARTON:
Testimony relative to—
Foss, wrote letter to, at my suggestion (Pemperton) ... 759
PARSONS, HERBERT, Johnson, N. G., lives in Congressional district of ... 734
PARTHENIA, no knowledge of use of (Rice) ... 461
PATENTS:
Testimony relative to—
Chief values and assets of (Butler, Marion) ... 123
Electric Company commenced suit for infringement ... 1084
Know nothing of (Bowles) ... 1737
Lake Company, title to (Lake) ... 1091

PATENTS—Continued. Page.
Testimony relative to—
On submarines (Lilley) ... 38
Policy of Electric Boat Company in acquiring ... 443
Submarines, figure in cost of (Bowles) ... 1742
PATENTS, COMMISSIONER OF, letter from, concerning Charles P. Nelson. 1368
PAYNE, S. E. (a Representative from New York):
Testimony relative to—
Lilley resolution, knew of, before introduction (Lilley) ... 1364
PEACOCK, EDWARD L.:
Testimony relative to—
Lake Company, chief constructor of (Lake) ... 1066
PEMBERTON, F. R., New York City, former banker and broker ... 757
Subpœnaed ... 422
Testimony of—
Business acquaintances ... 758
Converse, Admiral, called on at suggestion of Secretary Metcalf ... 758
Foss, G. E., chairman, Metcalf suggested seeing ... 759
Hobson, R. P., favorable to submarines ... 765
Found merit in subsurface boat ... 760
Made address in New York, at suggestion of ... 760
Said subsurface amendment had gone into naval bill ... 767
Littlefield, C. E., introduced to, by Hobson ... 761
Littlefield, subsurface-boat bill, changes in, how made ... 762
Members of Congress, none stockholders or directors of Berger Company ... 758
Paine, John Barton, wrote Foss at my suggestion ... 759
Secretary Metcalf called on in interest of Berger Company ... 758
Secretary Metcalf favored Government acquiring subsurface boats ... 758
Subsurface boats, not obligatory upon Secretary to purchase ... 766
PENALTIES. (*See* Submarines.)
PHILADELPHIA PRESS, article from. Lake submarine, special test for ... 281
PHOTOGRAPHIC exhibits of typewriting ... 1368, 1372, 1374, 1376, 1380, 1382, 1392
PIKE. (*See* Submarines.)
PLUNGER:
Testimony relative to—
Built by Department (Charles Eaton Creecy) ... 82
No knowledge of accident to (Rice) ... 455
Reimbursed Government money expended on (Rice) ... 445
PLUNGER AND HOLLAND. (*See* Submarines, competition in.)
POE, Mr.:
Testimony relative to—
Butler case, called on concerning (Webster) ... 1268
PROFITS:
(*See also* Electric Boat Company *and* Excessive profits.)
Testimony relative to—
Excessive, in submarines (Lilley) ... 45
In submarines, discussion of (Lilley) ... 43
Of Electric Boat Company in submarines ... 32
POLITICAL WORK, no knowledge of, on part of Frost or Rice (Gordon) ... 394
POLITICS, Lake Company takes no interest in (J. C. Lake) ... 1230
PORPOISE
(*See also* Submarines.)
Testimony relative to—
Article on, as to source of information for (Skerrett) ... 864–865
As to expense of test of (Skerrett) ... 858
Commanding officer of (Skerrett) ... 857
Confidential report on (*see* Nelson report).
Course of reference of (Skerrett) ... 857
Do not remember where obtained (Skerrett) ... 855
How considered in Navy Department (Skerrett) ... 858
Official channel of (Skerrett) ... 856
Does not use hydroplane (Rice) ... 455
Never heard of alleged accident to (Rice) ... 455
Report on sinking of, probable notations upon (Skerrett) ... 878
What Bureau conducted tests of ... 857–858

Page.
REPORTS ON SUBMARINES:
Testimony relating to—
Accuracy as to (Skerrett) ... 879, 883
Accuracy of taken for granted (Skerrett) ... 880
Anonymously received (Skerrett) ... 862
Berlin office, all addressed to (Skerrett) ... 879
Berlin, received at (Skerrett) ... 879
European clients, none furnished (Skerrett) ... 886
How addressed and redirection from Bridgeport (Skerrett) ... 890
Inquiries as to who sent, none (Skerrett) ... 881
None received since return to United States (Skerrett) ... 886
Original, no comparison with (Skerrett) ... 883
Received, how often (Skerrett) ... 879
Sender, no inquiries at Department as to (Skerrett) ... 883
Source from whence sent, as to (Skerrett) ... 879
Testimony of Witness Skerrett concerning, summarized (Boutell) ... 900
Use of, indiscreet (Skerrett) ... 901
Valuable and instructive (Skerrett) ... 891
Where and how often received (Skerrett) ... 880
Who sent them (Skerrett) ... 890, 891
REPORT OF TYPEWRITING EXPERTS, identifications, as to ... 1497
REPREHENSIBLE. (*See* Members of Congress.)
RESIGNATION:
Testimony relative to—
Copy of (Skerrett) ... 899, 900
Reason for and time of (Skerrett) ... 900
Time of (Skerrett) ... 899
RESOLUTION FOR INVESTIGATION, purpose of (Lilley) ... 33
RESOLUTIONS:
Authorizing Speaker to issue subpœnas ... 71
Testimony relative to—
Before introduction (Lilley) ... 1564
Different from that of Rules Committee (Lilley) ... 61
REVISED STATUTES, UNITED STATES:
Testimony relative to—
Familiar with certain sections (Neff) ... 1491
Whitney called attention to provisions of (Neff) ... 1492
RICE, ISAAC L., president Electric Boat Company, resident of New York—
Subpœnaed ... 422
Witness, desired as ... 15
Testimony of—
Archibald, J. F. C., employed, to go to Venezuela and Peru ... 466
Assistant Secretary of the Navy, from what State ... 465
Attorneys—
Contingent contracts with ... 444
Employment of, and purpose ... 426
Hunton and Butlers, as to those besides ... 465
Method of employing ... 450
None to secure appropriations or orders ... 458
Not employed from Congressional districts to influence Members of Congress ... 440
Baughman, Gen. L. Victor, did not know ... 450
Belmont, O. H. P., as to yacht Electric Boat Company negotiated for. 454
Berg, Hart O., agent of Lake Company, reference to ... 439
Berliner Tageblatt, German paper quoted ... 434
Bridgeport Brass Company, attempt by, to influence Congressmen, no knowledge of ... 460
Brown, Grant Hugh—
Concerning amalgamation of boat companies ... 445
Conference arranged by, between whom ... 447
Negotiated to sell out Lake Company ... 436
Promoter ... 439
Bulkeley, Senator, Brown could stop investigation ... 445
Butler, Marion—
Employed, compensation private matter ... 464
Employed for ability ... 464

RICE, ISAAC L.—Continued. Page.
Testimony of—
Butler, Marion—Continued.
From North Carolina ... 464
No knowledge of patent work by ... 464
No knowledge of legislation obtained by ... 464
Politics of ... 464
Butler, M. C.—
Ability and influence of ... 464
Denied having influence ... 463
Employment, effect on, of relation with Senator Tillman ... 465
No commission paid to ... 458
No contingent-fee contract with ... 463
No recollection of discussing votes of Members of Congress with ... 463
Campaign funds—
Contributions to, none made ... 432
Never expended anything for ... 462
No contributions could be made without knowledge of ... 440
No contributions solicited from ... 440
No contributions to ... 440
Commissions—
None paid except to Creecy ... 458
Committee assignments, no influence upon ... 440
Champagne, no knowledge of money spent for ... 461
Competition in submarines, charge of suppressing absurd ... 427
Contracts—
Amount of ... 444
Amount of, on hand ... 445
Contracts and specifications, public inspection of ... 457
Creecy, C. E.—
Contract with ... 463
Stock held by ... 459
Cuttlefish, part cost of, refuses to state ... 458
Cuttlefish type, profit of, refuses to state ... 458
Cuttlefish, Viper, Tarantula, no knowledge of loss of control of ... 455
Doblin, Philip—
As to communicating with any Member of Congress in regard to ... 463
No attempt to prevent prosecution of ... 462
Nothing of value given to ... 462
Witness in Lessler bribery charge ... 462
Dulles, William—
Acquainted with ... 461
Director of Electric Boat Company and resignation ... 461
Had power to refuse to sign checks ... 461
Ejercito o Armada, Madrid paper quoted ... 434
Electric Torpedo Boat Company—
American purely ... 453
Bonds of, none ... 459
Business of, in Michigan ... 465
Business places of ... 424–425
Capital stock and dividends of ... 425
Contracts for balance of appropriation demanded ... 448
Details of, not familiar with ... 443–444
Directors American citizens ... 453
Employees, no knowledge of number of ... 459
Employees of ... 460
Finances of, management of ... 440
Financial system of ... 449
Foreign business of ... 426
Foreign control of stock ... 454
Foreign stockholders, refuse to name ... 453
Funds of, and payments by, how made ... 450
Navy Department, no officer of, stockholder in ... 459
Officers of ... 449
Official connection with ... 449
Plants, value of, used by, refuses to state ... 459
Policy of, responsible for general ... 427
Profits of ... 445–446

RICE, ISAAC L.—Continued. Page.
Testimony of—
Electric Torpedo Boat Company—Continued.
Stock interests in Europe or England, will furnish privately information concerning ... 454
Stockholder in, no Member of Congress ... 459
Stockholders, list of, will furnish privately ... 459
Treasurers of, did not always consult ... 449
El Noroeste, Spanish newspaper quoted ... 433
English Government given benefit of developments if not secret ... 453
English submarines, negotiated contract for first 5 ... 452
Erly, A. A., not employed ... 466
Ferry—
Had talked with Lilley ... 460
Thinks was introduced to ... 460
Flint, Charles R., interviews with, concerning purchase of Lake Company ... 437
Fore River Shipbuilding Company—
Congressmen, no knowledge of communication of, to influence ... 460
Cuttlefish, what paid for construction of, refuses to state ... 458
Knows nothing about ... 460
Subcontracts with ... 444
Foreign concerns, relations with ... 426
Foreign governments, policy of, concerning submarines ... 443
Forum Publishing Company, president of ... 460
French submarine company, not the head of ... 455
Frost, E. B.—
Entertainment concerning, furnished by ... 431
Entertainment discussed with, of Members of Congress ... 461
Members of, as to discussion with, concerning a woman's influence on Congress ... 462
Gifts—
No knowledge of any ... 467
No recollection of any ... 460
Gordon, W. D.—
Attorney, only, employed from a Member's district ... 440
Commissions paid to none ... 458
Employment of ... 425–426, 465
Employment of, influence on ... 465
Legal business done by ... 465
Michigan, standing in, legislature ... 465
Political influence of ... 465
Votes of Members of Congress, no communication from, regarding ... 465
Halsey, C. D., & Co., not acquainted with; no business dealings with ... 453
Holland boat, concerning patents of ... 425
Holland, John P.—
Amount paid him, will not state ... 457
Electric Boat Company, employed by ... 457
Electric Boat Company, retired voluntarily from ... 457
Stock interest in boat companies, refuses to state what ... 457
Submarines, quotation as to merits of; comment on ... 457–458
Holland patents ... 457
Injunction against using, by Holland ... 457
Holland Submarine Company still exists; relations to Electric Boat Company ... 425
Holland Torpedo Boat Company—
Campaign funds, never expended money for ... 462
Official connection with ... 449
Hunton, Eppa—
Employment of ... 464
Employment of, no knowledge of ... 463
Interest in various enterprises ... 426–427
Inventions secret ... 452
Irrelevancy of questions asked ... 456
Johnson, as to consultations with, concerning attorneys ... 463
Kellogg, John P., no authority to influence Congressmen ... 460
Kerr, Dr. W. P., never employed or paid money to ... 464

RICE, ISAAC L.—Continued. Page.
Testimony of—
Octopus, beyond comparison ... 443
Break down of (Rice) ... 446
Competitive test won by ... 446
Control, no knowledge of loss of ... 455
Independent work on ... 459
Not yet accepted ... 446
Octopus and *Simon Lake X*, competition between ... 436
Octopus type, contract for, not present when made ... 456
Ohio, no recollection of employment of persons from ... 466
Parthenia, no knowledge of use of ... 461
Patents, policy of Electric Boat Company in acquiring ... 443
Plunger, no knowledge of accident to, in 1904 ... 455
Reimbursed Government, money expended on ... 445
Porpoise, never heard of alleged accident to ... 455
Does not use hydroplanes ... 455
Profits of Electric Boat Company ... 444
Publicity, no knowledge of persons employed for ... 466
Quigg, Lemuel E., no money paid to ... 462
Rogers, Gustavus, not acquainted with ... 462
Sands, Francis P. B., employment, no knowledge of ... 464
Lawsuit about employment of ... 464
Schlesische Zeitung, of Breslau, quoted ... 434
Scientific American, read Skerrett article in ... 431
Secret agreement concerning ... 452
Secrets ... 457
Shark, no knowledge of loss of control of ... 455
Not a hydroplane boat ... 455
Skerrett, R. G., connected with Lake Company ... 431
Smith, William W., employment of, no knowledge ... 466
Not employed ... 466
Nothing paid to ... 466
Société Francaise de Sons-Marins, license from Electric Boat Company ... 450
Spear, as to questions asked by Congressman Loudenslager ... 466
Spear, consulted about employment of ... 466
Spear, service valuable ... 466
Submarine construction, not expert on ... 456
Submarines, affairs and developments in, not generally familiar with ... 450
Competition in ... 435, 441–442
Better results by having ... 442
Discussed ... 428–430
Favor open and fair ... 437
Lake Company unfair ... 436
Stopped last May ... 436
Contracts for, in 1900, 1904, and 1907 ... 451
Contracts for, policy in obtaining ... 442–444
English and American types ... 451
English built, under Electric Boat Company's license ... 454
English data as to construction, complete secret ... 454
English experiments in, no knowledge of ... 454–455
English, knows nothing about ... 455
Facts concerning, not controlled by Electric Boat Company ... 457
Great Britain furnished, unless reason for secrecy ... 452–453
Holland type adopted in England ... 454
Hydroplane system, did not use ... 455
Hydroplanes—
Agrees with Spear that are useless ... 456
As to use of ... 454–455
Navigation with, no expert upon ... 456
Material and supplies for ... 444
How contracted for ... 444
Merits of domestic and foreign ... 443
Navy, United States, development of ... 452
Secret specifications ... 457

	Page.
RUSSIA:	
Testimony relative to—	
Contracts pending with (Flint)	1454
Flint, Charles R., represented (Lake)	1095
Lake boats for (Lilley)	44
Lake Company, contracts with (Lake)	1097
Lake Company owns plant in (Lake)	1075
Sands, F. P. B.—	
Employed to obtain contract with	108
Legal adviser of, in United States	112
Submarine types, thorough investigation of (Lake)	1100
Submarines, highest price for, received from (Lake)	1101
Submarines recommended to, by naval attaché (Charles Eaton Creecy)	87
RUSSIAN SUBMARINES (*see also* Foreign Governments):	
Testimony relative to—	
Data concerning (Spear)	227
SAMPSON, CAPTAIN (afterwards admiral):	
Testimony relative to—	
Appropriation recommended by (Creecy)	81
SANDS, FRANCIS PRESTON BLAIR, attorney at law, Washington, D. C.	107
Witness, desired as	17
Testimony of—	
Admiral Ahmed Bey, inspected submarine	108
Admiral Dewey, persuaded to inspect submarine	110
Compensation, brought action to collect	110
Contract in writing with Holland Company	108
Drafted bills and prepared reports for committees of Congress	110
Frost, offers contingent fee	113
McNeir, conversation concerning investigation	115
Members of Congress, did not try to reach	111
Naval officers, did not attempt to advise or teach	112
Papers and correspondence, files with committee	138
Papers and records, promises to produce	116
Russian Government, appointed legal adviser of, in United States	172
Russian Government, employed, to obtain contract with	108
Vouchers, checks, letters, etc., have none in possession	112
Testimony relative to—	
Law suit about employment of (Rice)	464
No knowledge of employment (Rice)	464
SAULTE, W. H.:	
Testimony relative to—	
Newspapers, does not correspond for (Lilley)	1594
SCHAEFER, Chief Clerk, Bureau of Construction and Repair:	
Testimony relative to—	
Said no room in safe for Lake boat plans (Skerrett)	895
Wrote to, for reports (Skerrett)	881
SCHOFIELD, Ex-Lieutenant:	
Testimony relative to—	
Lake, commanded by (Lake)	1099
SCHLESISCHE ZEITUNG, of Breslau, quoted (Rice)	434
SCIENTIFIC AMERICAN:	
Testimony relative to—	
Advertisements in, not carried by Lake Company (J. C. Lake)	1238
Articles in, knew nothing of until after publication of (Lake)	1068
Article on submarines, sent to by Skerrett	796
Read Skerrett article in (Rice)	431
SECRETARY OF THE NAVY:	
Annual report, 1907, extract from	265
Attorney-General, opinion as to submarine contracts	271
Letter to, requesting appearance before special committee	203
Letter to, requesting reports, printed matter, etc	204
Lilley's letter to, August 10, 1907 (Exhibit)	1503
Lilley's telegram to, August 10, 1907 (Exhibit)	1503
Testimony of—	
Bonds always required, from bidders on contracts	300
Construction board, composition of	269
Department feels impelled to expend appropriation as intended by Congress	284

SECRETARY OF THE NAVY—Continued. Page.
Testimony of—
Electric Boat Company, contracts with Fore River Shipbuilding Company for seven boats ... 279
Exorbitant price, in case of, would not have let contract ... 280
General board, composition of ... 268
Hanna, E. P., present when Lake contract was signed ... 277
Inferior boat, Department would not contract for ... 282
Lake Boat Company contract, submission of power to make to Attorney-General ... 270
Lake Boat Company, contract with condition ... 270
Lake Boat Company, contracts with Bath Iron Works to build boats ... 279
Lake Company, offered to build boat for $525,000 ... 276
Lake contract, statement as to method of payment ... 300
Lake contract, would have made on own judgment ... 287
Lake, Simon, requested delay in making contract ... 277
Marix board appointed by ex-Secretary Bonaparte, composition of ... 269
Minimum efficiency, vessels must come up to basis for ... 284
Naval appropriation, 1908, submarine provision more exclusive than law of 1907 ... 281
Number of boats to be built, not specified by Congress ... 276
Patents, for submarines not yet expired ... 285
Profits, undue, would not have allowed ... 279
Report, 1907, extract from, concerning submarines ... 238
Representatives Butler, Sherman, and Loudenslager, correction of testimony concerning, on page 278 ... 300
Representatives Butler, Roberts, Loudenslager, Sherman, Lilley, Hill, and Sperry, and Senators Bulkeley and Brandegee called as to question of discretion in letting contract ... 278
Submarines, not in favor of postponing purchase until superior boat be developed ... 289
Type of boat, best policy to leave to Department ... 285
Testimony relative to—
Appropriation, 1907, portion requested for Berger Company (Micou) ... 749
Attorney-General, offers to make reference to (J. C. Lake) ... 1225
Comparative analysis of test trials between *Octopus* and *Lake* presented by, comment on (Skerrett) ... 849–852
Competition wanted by (J. C. Lake) ... 1224
Connecticut delegation called on, to secure contract for Lake Company (Lilley) ... 1614
Contract, saw concerning (J. C. Lake) ... 1224
Discretion of, in selection of submarine types (Skerrett) ... 853
Lake contract, representations concerning (Spear) ... 235
Lilley, letter to, September 23, 1907 (Exhibit) ... 1503
Lilley, requested withholding of decision awarding contracts (Neff) ... 1198
Recommended four submarines (Lilley) ... 41
Subsurface boats, favored acquirement by Government (Pemberton) ... 758
Thurston, J. M., permitted reading of report by ... 1179
Waterbury, letter to, statement concerning (Lilley) ... 1320
SECRET AGREEMENT, concerning (Rice) ... 452
SECRETS OF NAVAL ARCHITECTURE, whether patriotic to obtain, discussed (Skerrett) ... 876
SECRETS, would not deal with Government if public (Rice) ... 457
SELECT COMMITTEE:
(*See also* Lilley Investigation Committee.)
Chairman, statement of, concerning Loud anonymous letters ... 1369
Counsel, statement of chairman as to refusal to allow ... 1523
Documentary evidence submitted, statement as to ... 773
Dulles, William, letter received from ... 263
Haynes, clerk, Neff gives office key to ... 1191
Letter to, from Lilley, March 16, 1908 ... 1476
Letter to, from Lilley, March 19, 1908 ... 1474, 1475
Letter to, from Lilley, April 21, 1908 ... 1480
Letter to, from Lilley, March 28, 1908 ... 1477
Letter to, from Lilley, March 30, 1908 ... 1476
Lilley corrects record ... 1485
Meets April 8, 1908, and adjourns to April 14, 1908, 11 a. m.; no business transacted ... 1049

SELECT COMMITTEE—Continued. Page
New Orleans, testimony taken in ... 1757
New York, testimony taken in ... 1755
Production of books, papers, letters, etc., requested by chairman ... 1635
Report to, of typewriting experts ... 1479
Statement by chairman concerning instigation of charges by Lake Company. 1082
Statement of chairman concerning publication of documentary evidence before submission to ... 773
Testimony relative to—
Adverse decision from, Lilley expected (Taylor) ... 476
Adverse decision, in case of, Lilley would go on floor and tell about submarines (Taylor) ... 476.
Cleveland Plain Dealer, representative said become a joke (Webster) .. 1299
Evidence taken by, suppression of (Webster) ... 1264
Examination of witnesses by, not criticised (Lilley) ... 1325
Information, suggested Simon Lake should furnish (Neff) ... 1185
Lake, J. C., did not know, wanted as witness ... 1220
Lilley asked Norcross concerning fixing by Erly ... 1044
Lilley, questions submitted by, prepared by Thurston and Neff ... 1205
Private correspondence, refuses examination of (Lilley) ... 1521
"Whitewash," by, no statement as to (Lilley) ... 1514
SHARK:
(*See also* Submarines.)
Testimony relative to—
Article on, as to source of information for (Skerrett) ... 864
No knowledge of loss of control of (Rice) ... 455
Not a hydroplane boat (Rice) ... 455
Report on, probable notations upon (Skerrett) ... 878
SHARK AND PORPOISE, reports on, as to portions used (Skerrett) ... 878
SHELLEY, BUTLER & MARTIN, attorneys:
Testimony relative to—
Employed by boat company, 1895 (Charles Eaton Creecy) ... 80
SHELTER ISLAND, Long Island Sound:
Testimony relative to—
Submarine experiments at (Butler) ... 75
SHEPHERD, JUDGE T. F.:
Testimony relative to—
Edinborough, talked with, at Bay City ... 719
SHERMAN, GENERAL, investigation of, not allowed counsel ... 1522
SHERMAN, J. S. (a Representative from New York) ... 1725
New York Sun, alleged interview in, with Representative Lilley, implicating denied ... 9, 10
Testimony of—
Lilley resolution, saw before introduction ... 1725
Lilley, would not introduce resolution if Naval Committee provided open competition ... 1725
Testimony relative to—
Butler, T. S., never at Department with ... 342
Lilley, George L., accusations by, concerning (Lord) ... 251
Lilley resolution—
Conversation with, before introduction ... 1504
Knew of, before introduction (Lilley) ... 1364
Secretary of Navy—
Called on as to question of discretion ... 278
Correction of statement concerning ... 300
SHULTZ, WILLIAM H.:
Testimony relative to—
Private Secretary, Simon Lake ... 1068
SICARD:
Testimony relative to—
No communications from, none requested (Skerrett) ... 882
Sent post cards to (Skerrett) ... 881
SIMON LAKE X AND OCTOPUS, competition between (Rice) ... 436
SINGER MANUFACTURING COMPANY:
Testimony relative to—
Lake Company stock owned by certain officials of (Lake) ... 1075

SKERRETT, ROBERT G.—Continued. Page.
Testimony of—
Dutch officers—
Conference with ... 872
Object of conferences with, to show improvement in Lake boat... 871
Electric Boat Company—
Holland Government had boat built on plans of ... 897
Negotiated with Holland Government prior to conversation of witness, Holland officers ... 895
None other than, could compete before October 1, 1908 ... 897
Not consulted with ... 884
Own no stock in ... 843
Provision for competitive test on or before October 1 would award entire appropriation to ... 897
European concerns, consulted with ... 884
Faucett—
Chief clerk Bureau Supplies and Accounts ... 862
Do not recall getting information from, about Nelson report ... 862
Fife, George Buchanan, editor Harper's Weekly, discussed article with ... 796
Fletcher, Captain—
Times and places of meeting ... 857
U. S. Navy, acquainted with ... 856
Foreign governments—
As to confidential reports of ... 874
Lake Company builds for ... 826
Official records of, allow excerpts to be taken from ... 874
Reports of, how treated with respect to journals ... 875
Secrets of, as to what would constitute treason ... 876
United States behind, in submarine construction ... 806
Foreign itinerary ... 888, 889
Foreign submarines, statements as to certain ... 808
Frost, E. B., not acquainted with ... 826
Government contracts, statements as to ... 799
Harpers Magazine containing article, ignorant of its having been mailed to Members of Congress ... 834
Harpers Weekly, contributed article on submarines to ... 795
Harris, Admiral, Chief Bureau of Supplies and Accounts—
Acquainted with ... 861
Do not remember getting specific information from ... 861
Headquarters, foreign ... 879
Hearings obtained copies of House Naval Committee ... 825
Holland boat superior to Lake boat only in point of speed ... 795
Holland boat, wrote articles concerning, for Harpers Weekly ... 810
Holland Company, no desire to belittle ... 827
Holland Government had boat built on plans of Electric Boat Company ... 897
No submarines of Holland type under construction for ... 895
No type of submarines built for, other than on plans of Electric Boat Company ... 897–898
Holland type—
Competitive test on, other than, before October 1, 1908 ... 852
Inferior to foreign boats ... 795
Information as to improvements in, how obtained ... 867–868
Hughes, Mr., no information obtained from ... 865
Hydroplanes, findings regarding, of board on Lake and Octopus, disagrees with ... 887
Information refused Congress by Navy Department, had knowledge of ... 840
Itinerary, foreign ... 888, 889
Johnson, Norman G., not acquainted with ... 826
Journal of the Royal Artillery—
England, article republished by ... 814
Official connection with Government ... 875
Reproduction of articles in, gave permission for ... 874
Journal United States Artillery—
Article in, concerning *Octopus*, sources of information for, refuses to give ... 868

SKERRETT, ROBERT G.—Continued. Page.
Testimony of—
Journal United States Artillery—Continued.
Article in, do not remember where information for, obtained..... 866
Article in, knew Lake Company disapproved..... 892
Lake Company disapproved, but used, why..... 891
Article in, nothing but extracts as basis for..... 877
Article in, on *Shark* and *Porpoise*, as to source of information for. 864
Article in, prepared while abroad..... 856
Article in, why Lake Company disapproved..... 893
Articles in, never received any criticism of..... 879
Articles in, resemblance to advertisements of Lake Company, "coincidences"..... 891, 892, 893
Information for articles in, filed, afterwards destroyed..... 872–874
No compensation for contributions to..... 874
No pay for article in..... 857
Other interest in subject..... 857
Source of information for article in..... 856
Wrote article for..... 813
Wrote article in; also argument for Lake Company, latter first.... 893
Lake—
Completion and launching of..... 847
Concerning correction of defects..... 852
Only submarine in competition with those of Electric Boat Company..... 847
Submerged runs of, compared with Octopus..... 852
Lake and *Octopus*—
Relative merits, disagreed in part with Senator Thurston's contention as to..... 886
Relative size and merits..... 847
Relative value of, per ton..... 848
Tests, report of board on, disagrees with, as to hydroplanes..... 887
Lake boat—
Deficient in point of speed..... 794
Impossible to remodel in time for test..... 897
Modification of, necessary to bring within terms of appropriation.. 898
Plans of, no room in safe for..... 894
Prefers, to Octopus..... 848
Wrote article concerning, shortly before Spanish war..... 811
Lake, Simon—
Discussed anonymous reports on submarines with..... 880
Manager of Berlin office..... 880
Notified when postal cards were mailed..... 843
Wondered as to who sent reports on submarines..... 880
Lake, wanted postal cards made in New York..... 837
Lake's plea to President April 1, 1905, did not prepare..... 838
Lake Torpedo Boat Company—
Advertisements resemblance of to article in Journal of United States Artillery—"Coincidences"..... 891, 892, 893
Amount paid for services, with..... 810
As to boats built for foreign governments by, whether rejected... 854
As to time of entering employ of..... 899
Competitive bids, to make best boat yet produced..... 853
Contract for boat, did not examine before writing articles..... 801
Contract with, verbal..... 815
Did not try to build best boat they could..... 885
Disapproved article in Journal of United States Artillery, but used; why..... 891
Drawings and photographs of *Octopus* received from..... 867
Employed by, to go abroad..... 792
Established its offices in Berlin..... 889
Foreign office of, in Berlin..... 879
Knew it disapproved article in Journal of United States Artillery.. 893
Left service of, in November..... 805
Motive power of boat under construction by..... 849
Not in employ of, when met Nelson..... 855
Octopus superior to boat of..... 887
Office of, in Berlin..... 888

SKERRETT, ROBERT G.—Continued. Page.
Testimony of—
Lake Torpedo Boat Company—Continued.
Own no stock in ... 843
Paid nothing to, since leaving service ... 822
Postal cards exclusively designed for ... 845
Resigned from ... 883
Work done for, since resignation ... 883, 884
Wrote argument for; also article in Journal of United States Artillery, former first ... 893
Lilley, George L., not acquainted with ... 805
Lilley investigation—
No foreknowledge of ... 853–854
Was aware of, when articles were written ... 805
Lilley resolution first heard of in newspapers ... 824
London Engineer, wrote article for ... 813
Magazine articles, data contained in, obtained from official documents. 797
Matteson, Frederick W., residence and place of business ... 897
Members of Congress, postal cards sent to ... 884
Model not comparable with full-sized ship ... 803
Munn, Chas., editor Scientific American, discussed article with ... 797
Naval bill 1908, do not remember where copy of, was obtained for article. 820
Naval Constructor Taylor's confidential reports, how received ... 841
Naval Intelligence Bureau, depository of confidential reports ... 894
Navy Department—
Arranged with friends in, for securing information ... 862–863
Bureaus of, functions ... 858
Bureaus of, reports received from ... 864–865
Confidential reports in, access to ... 894
Confidential reports in, disposition of ... 894
Confidential reports in, depository of ... 894
Employees, acquainted with certain ... 865
Information from, requested any ... 877, 878
Never appeared before, after going with Lake Company ... 818
Officers gracious about giving out information ... 359
Official records, extracts from. (*See also* Nelson Report; *Porpoise* and *Skark;* Reports on Submarines; Journal, United States Artillery; *Octopus.*)
Period of employment in ... 809
Persons in, written to for reports ... 881
Reported received from, confined to submarine type in which interested ... 877
Reports and publications of, persons written to for ... 881
Secret and confidential reports, company possessing, has advantage. 886
Secrets of ... 875
Source of information in ... 863
Visits to ... 857
Nelson, Lieutenant, acquainted with ... 855
Commanding officer of *Porpoise* ... 957
Confidential report on *Porpoise*, to whom made ... 856
Has not seen, since June, 1904 ... 856
Nelson report, copy of received anonymously ... 866
Do not recall whether marked confidential ... 866
Does not recall both commendation and criticism in ... 877
Don't know whether any portion omitted ... 878
Extracts from, how often received ... 879
Extracts from, sources from whence sent ... 879
How information obtained, about ... 862
Might have been garbled ... 878
Nothing to indicate its accuracy or verity ... 878
Only used portion to substantiate his theory ... 877
Probable notations upon ... 878
Used criticism in ... 877
Newport trials, attended 1904, for Lake Company ... 838
Newspapers, know of none having been subsidized ... 806
Octopus, best possible, in that type ... 885
Diagram showing curves of resistance; how obtained and where deposited ... 893

SKERRETT, ROBERT G.—Continued. Page.
Testimony of—
Octopus, diagrams, etc. Original source of information in Navy-Yard. 894
Difference in size of, etc., and Lake 847
Information concerning, did not know it was confidential..... 873
Information concerning, did not try to verify 872–873
Information concerning—Dutch officers may have obtained from Electric Boat or Maxim Company..... 896
Information concerning, leaked out at conference with Dutch officers..... 872
Information concerning, refuses to give name of officer from whom obtained..... 867
Performance, drawings and figures of, sent to Berlin office 880
Plans, knew they were confidential..... 870
Statement about propeller shafts obtained from foreign officer... 866–867
Structural features of, don't know where Holland officers received information concerning..... 896
Superior to boat of Lake Company..... 887
Technical information concerning, can not identify which foreign officer gave..... 868
Technical information concerning, probably received from Lieutenant Costa..... 869
Octopus and *Lake*, comment on, comparative analysis of test trials between..... 849–852
Report on tests of, disagrees with as to certain details..... 887, 888
Trial tests of speed conditions..... 848
Opinion of, when opposed to constituted authorities..... 875–876
Ordnance patents, interest in..... 884
Porpoise, as to expense of test of..... 858
Confidential report on, course of reference to..... 857
Confidential report on, do not remember where obtained..... 855
Confidential report on, how considered in Navy Department..... 858
Confidential report on, official channel of..... 856
Report on sinking of, probable notations upon..... 878
Tests of, what bureau conducted tests of..... 857–858
Porpoise and *Shark*, reports on, as to portions used 878
Postal cards concerning submarines printed and paid for by Lake.... 836
Concerning submarines, sent to Congressmen, naval officers, and newspaper men..... 836
Did not know they were mailed same day Lilley resolution introduced..... 843
Have prepared others besides those mailed..... 844
Sent to Members of Congress..... 884
Powell, Mr., no information obtained from..... 866
Protector—
Corrects testimony regarding..... 855
Had forgotten, was of *Lake* type 855
Rae, chief bureau of steam engineering, met once, no conference with. 8
Reports on *Porpoise* and *Shark*, discussed..... 877, 878, 879
Reports on submarines—
Accuracy of, taken for granted..... 880
Extracts from, as to who sent them..... 890, 891
Extracts from, use of, indiscreet..... 901
Extracts from, valuable and instructive..... 891
Extracts from, as to how addressed and redirection from Bridgeport..... 890
Extracts from, no comparison with original..... 883
Extracts from, no inquiries at Department as to sender..... 883
Extracts from, as to accuracy of..... 883
Extracts from, no inquiries as to who sent..... 881
Extracts from, all addressed to Berlin office..... 879
Extracts from, received at Berlin..... 879
Extracts from, how often received..... 879
Extracts from, as to sourse from whence sent..... 879
Extracts from, as to accuracy..... 879
None furnished European clients..... 886
None received since return to United States..... 886

SKERRETT, ROBERT G.—Continued. Page.
Testimony of—
Reports on submarines—Continued.
Received anonymously ... 862
Where and how often received ... 880
Resignation from Navy Department—
Copy of ... 899, 900
Reason for and time of ... 900
Time of ... 899
Resignation of, Departments' acceptance (Curtis) ... 900
Rice, Isaac L., not acquainted with ... 826
Schaefer, chief clerk Bureau of Construction—
Said no room in safe for Lake boat plans ... 895
Wrote to, for reports ... 881
Scientific American article entirely self inspired ... 830
Scientific American sent letter to editor of ... 796
Secrets of naval construction, whether patriotic to obtain ... 876
Shark, report on probable notations upon ... 878
Sicard—
No communications from; none requested ... 882
Sent post cards to ... 881
Smith, acquainted with, no conference about Nelson report ... 861
Spear, Lawrence, testimony of, copies of received from Whitney ... 888
Speed, important factor in tests ... 897
Speed, value placed on, by Department ... 898
Submarine business, principally interested in ... 884
Submarine company, not connected with any ... 884
Submarine construction, not yet beyond experimental stage ... 808
Submarine Navigation and Supply Company, Denver, Colo., have built submarine model ... 802
Submarine, reports on, extracts from, how often and by whom sent ... 879
Submarines—
Advocate of even-keel type ... 849
Art of construction, thought it in interest of, to publish confidential information ... 870
Article on, in Journal of United States Artillery ... 854
Character, construction, and principles of, necessary to furnish, to secure contracts ... 896
Competition in, best results secured from ... 853
Competition in, better way ... 884
Competition in, discussed ... 884, 885
Competition in, none other than Electric Boat Company could compete before October 1, 1908 ... 897
Contracts, merits of boat must be fully presented to secure ... 897
Design and construction of, advance in ... 847
Diving tendencies ... 896
Foreign built ... 853
None other than Holland type could be offered for competitive test before October 1, 1908 ... 852
Superstructure, findings of board on, disagrees with ... 887
Trial tests practiced as to premiums and penalties ... 854
Would take judgment of board on type of ... 898
Sueter, Commander, quoted ... 853
Sueter, Commander, English naval officer, work on naval architecture, high authority ... 873
Superstructure, findings of board on, disagrees with ... 887
Taylor, Admiral—
Chief Bureau of Navigation, acquainted with ... 859
No conversation with, about Nelson report ... 859
Thurston, Ex-Senator—
Disagreed with, in part, as to superiority of *Lake* over *Octopus* ... 886
Not acquainted with ... 827
Wall, Captain, English officer, discussed submarines with ... 869
Whitney, Fred—
Associated with, in certain patents ... 888
Conversation with ... 821
Furnished draft of submarine clause of appropriation bill ... 829
Might have furnished copy of naval appropriation, 1908 ... 821

SPEAR, LAWRENCE Y.—Continued. Page.
Testimony of—
Hobson, R. P.; secretary called at hotel; conversation with..... 213
Submarines discussed with, at San Francisco..... 209
Urged to favor..... 211
Views on not changed..... 215
Telephone conversation concerning committee appointment..... 215
Holland boats built at Crescent shipyards..... 219
Holland submarines favored, as against Lake, before House committee. 220
Hydroplanes, statement as to..... 222
Italian submarines, data concerning..... 227
Lake boat—
Contract, no information as to..... 234
Newspaper clipping concerning second trial..... 242
Lake Company contract price for boat as compared to boat of Octopus type..... 230
Legislative favors never received..... 244
Marix board, composition of..... 223
Members of Congress, no corrupting influence, in voting for submarines. 236
Naval Academy, graduated from, 1890..... 205
Naval Committee, members of, do not recollect talking with..... 225
No influence to secure appointment to..... 215
Naval bill, 1908, provides competition..... 241
Naval officers, no money paid to..... 232
Naval service, statement as to..... 205
Navy Department, favors, never received from..... 244
Nelson, Lieut. Charles P., acquainted with 232
Description of patent purchased from..... 512
New York Herald, interview article mixed up 219
Interview in..... 218
Nixon, Louis, offered salary of $10,000..... 220
Octopus, breakdown of..... 446
Octopus type, percentage of superiority..... 243
Superior to Lake type..... 243
Profit, margin of, on submarines, statement as to..... 229
Report, Navy, 1907, familiar with..... 237
Rivals, glad for information as to..... 235
Russian submarines, data concerning..... 227
Salary paid to, by Electric Boat Company..... 220
Secretary of Navy, action of, not proper to ask as to..... 235
Representations to, Lake contract..... 235
Speaker, no influence with..... 217
Submarines, coast and harbor defense chief use..... 235
Facts relative to, synopsis of..... 244
Hobson, R. P., opinion of..... 209
Said four not half enough..... 212
Improvements in, foreign and domestic..... 468
One hundred needed..... 236
Price fixed by board on construction..... 242
Profit on, as to..... 241
Specifications for..... 468
Specifications for, Navy Department controlling factor in making. 468
Subsurface boats, statement concerning..... 212
Target practice, time of trial..... 243
Testimony before House committee not influenced by contemplated resignation..... 220
Vickers Company, contract with, as to improvements..... 227
Williams, J. S., influence with, denies having..... 217
Testimony relative to—
Acquainted with since 1886; in Navy together (Hobson)..... 66
Consulted by, employment of (Rice)..... 466
Declined offer of influence from (Hobson)..... 65
Hobson, R. P., urged to favor (Spear)..... 211
Loudenslager, as to questions asked by (Rice) 466
Naval architect, well acquainted with (Hobson)..... 64
Naval Committee appointment, promised influence to secure (Hobson). 64
Received letter from, about (Hobson)..... 63–64

SPEAR, LAWRENCE Y.—Continued. Page.
Testimony relative to—
Services valuable (Rice) ... 466
Submarines, paper on, extract from ... 1115
Paper by on, statement as to (Lake) ... 1114
Testimony of, copies of, received from Mr. Whitney (Skerrett) ... 888
SPEED:
Lake and *Octopus* types discussed ... 868
Testimony relative to—
Tests, important factor in (Skerrett) ... 897
Value placed on, by Department (Skerrett) ... 898
SPENCER, T. E., policeman House of Representatives, Bridgeport, Conn ... 1627
Testimony of—
Connecticut newspapers, correspond for ... 1627
Dectectives, know nothing concerning employment of ... 1628
Submarines, no articles written concerning ... 1627
Testimony relative to—
Policeman, represents Connecticut newspapers (Lilley) ... 1594
"SPERRY BILL:"
Testimony relative to—
Lilley requested to urge in committee (Neff) ... 1182
SPERRY, lieutenant-commander:
Testimony relative to—
Appointed head of board (Charles Eaton Creecy) ... 86
SPERRY, N. D. (a Representative from Connecticut):
Testimony relative to—
Secretary of Navy, called on as to question of discretion ... 278
Submarine bill fair proposition (Lake) ... 1117
SPLAIN, MAURICE:
Testimony relative to—
Press committee, chairman of (Erly) ... 1042
STADDEN, CORREY:
Testimony relative to—
Erly-Broussard interview, present at ... 1045
STERN-DIVING RUDDERS. (*See* submarines.)
STOCK:
In Electric Boat Company, sale of (Charles Eaton Creecy) ... 83
In Holland Boat Company (Charles Eaton Creecy) ... 82
STOCKHOLDERS IN ELECTRIC BOAT COMPANY. (Rice) ... 453
SUBMARINE BOAT, appropriation recommended for experimental. (Charles Eaton Creecy) ... 81
SUBMARINE BOATS:
Comparative statement submitted by L. Y. Spear ... 1752
Correspondence on (House Document 75) ... 905–1037
SUBMARINE BUSINESS:
Testimony relative to—
Principally interested in (Skerrett) ... 884
SUBMARINE COMPANY:
Testimony relating to—
Not connected with any (Skerrett) ... 884
SUBMARINE CONSTRUCTION:
Competition in, alleged suppression of ... 5
Not expert on (Rice) ... 456
SUBMARINE NAVIGATION AND SUPPLY COMPANY, Denver, Colo.:
Testimony relative to—
Submarine models have built (Skerrett) ... 802
SUBMARINES:
Testimony relative to—
Affairs and developments in, not generally familiar with (Rice) ... 450
Amendment drawn for, by Gen. M. C. Butler and witness (Charles Eaton Creecy) ... 96
American, none in, waters under construction (Lilley) ... 41
Appropriation for, proposed to prevent competition (Lilley) ... 33
Appropriation of $400 000 for (Charles Eaton Creecy) ... 85
Appropriations for, Lilley, Geo. L., in favor of limited (Kellogg) ... 374
Art of construction, thought it in interest of, to publish confidential information (Skerrett) ... 870
Article on, in Journal of United States Artillery (Skerrett) ... 854

SUBMARINES—Continued. Page.
Testimony relative to—
British, diving and even-keel types, Seuter on (Skerrett)..... 853
Certificate of Committee on Naval Affairs on proceedings concerning.. 423
Character, construction, and principles of, necessary to furnish to secure contracts (Skerrett)..... 896
Coast and harbor defense, chief use..... 235
Comparative cost of, statement as to (McNeir)..... 148
Comparative statement of proposals for (Lilley exhibit)..... 356
Showing prices (McNeir)..... 348
Competing companies constructing (Lilley)..... 37
Competition in (Rice)..... 441–442
Best results secured from (Skerrett)..... 853
Better results by having (Rice)..... 442
Better way (Skerrett)..... 884
Charge of suppressing, absurd (Rice)..... 427
Discussed (Rice)..... 428, 429, 430
Discussed (Skerrett)..... 884, 885
Electric Boat Company, none other than, could compete before October 1, 1908 (Skerrett)..... 897
Explanation (Lilley)..... 67
Favors open and fair (Rice)..... 437
Lake Company, that of, unfair..... 435
Lake Company unfair (Rice)..... 436
Lilley favored (Kellogg)..... 383
Lilley favors (Kellogg)..... 385
Newport trials (Lilley)..... 37
Proposition for, satisfactory to Lilley (Kellogg)..... 372
Reference to..... 384
Stopped last May (Rice)..... 436
Western concerns, one or two, claim (Lilley)..... 37
Constructing, by Government, no provision for (Lilley)..... 44
Construction, cost of (Bowles)..... 1733
Construction not yet beyond experimental stage (Skerrett)..... 808
Contracts for—
Difference between proposition of this and previous year..... 36
Electric Boat Company's only business is to secure (Lilley)..... 34
Holland, President asked to cancel..... 397–414
In 1900, 1904, and 1907 (Rice)..... 451
Not comparable with other vessels (Capps)..... 291
Contracts—
Merits of boat must be fully presented to secure (Skerrett)..... 897
Opinion of Attorney-General as to..... 271
Cost of—
Data as to (Spear)..... 228
Not figured by tonnage (Bowles)..... 1750
Statement concerning (Capps)..... 289
Danger of operation (Lake)..... 1101
Design, advance in and construction of (Skerrett)..... 847
Development of Spear, Lawrence Y., article by (Appendix)..... 1119
Discussed (Gordon)..... 396–397
Diving tendencies (Skerrett)..... 896
Domestic types inferior to foreign (Lilley)..... 32
Drawings and photographs of, how received (Skerrett)..... 867
Engines for, reference to report of special board of inspection on (Gordon) 415
England negotiated contract for first five (Rice)..... 452
English built, under Electric Boat Company license (Rice)..... 454
English data as to construction, complete secret (Rice)..... 454
English experiments in, no knowledge of (Rice)..... 454–455
English, knows nothing about (Rice)..... 455
English and German superior to American (Lilley)..... 45–46
Even-keel type, advocate of (Skerrett)..... 849
Evolution of, from sixteenth century, article on (Rice)..... 450–451
Exact cost of, hard to determine (Capps)..... 296
Facts concerning, not controlled by Electric Boat Company (Rice)... 457
Facts, synopsis of, relating to, Congress and Navy Department..... 244
First Government contract (Butler)..... 75
Foreign built (Skerrett)..... 853

SUBMARINES—Continued. Page.
Testimony relative to—
Foreign business in (Rice) 426
Foreign, statement as to (Spear) 225
Foreign Government contracts for (Lilley) 46
Foreign policy concerning (Rice) 443
Frost, statement concerning bids for 521
Government ought to be amply supplied (Butler) 75
Holland type adopted in England (Rice) 454
Holland type—
None other than, could be offered for competitive test before October 1, 1908 (Skerrett) 852
Information concerning improvements in, how obtained (Skerrett) 867–868
Holland or Lake, anybody can build better boats than (Lilley) 42
Hydroplane system, did not use (Rice) 455
Hydroplanes, agrees with Spear are useless (Rice) 456
As to use of (Rice) 454–455
Navigation with, no expert upon (Rice) 456
Improvements in, foreign and domestic (Spear) 468
Judgment of, would take, board on type of (Skerrett) 898
Kellogg, John P., memoranda concerning, submitted by, to Lilley 373
Lake, attempt to sink 414–415
Legislation concerning—
Conference between Ferry and Lilley suggested (Kellogg) 377
Discussed with Mr. Lilley (Kellogg) 371
How to ascertain whether attempts to influence by improper methods (Lilley) 23
Kellogg did not threaten Lilley 384
No politics in (Kellogg) 385
No promise of orders to manufacturers from Electric Boat Company (Kellogg) 381
Shaped to eliminate competition in (Lilley) 28
Views of Kellogg and Lilley in accord 371–372
Lilley, certain number might be advantageous (Kellogg) 372
Conversation with, concerning (Kellogg) 378
Octopus, no objection to type (Kellogg) 372
Vote for, told to (Taylor) 473
Vote of, on appropriation for (Kellogg) 384
Voted against in House 1365
Material and supplies for (Rice) 444
Material and supplies for, how obtained (Rice) 444
Merits of (Lilley) 41
Domestic and foreign (Rice) 443
Naval act, should appropriate for in same manner as battle ships, etc. (Lake) 1116
Naval powers, relative strength of (Lake) 1098
Newer and improved, letters received claiming (Lilley) 57
Not "approached" on subject of (Gregg) 69
Number needed, 100 (Spear) 236
Number of, in England (Rice) 454
Number of, urged (Kellogg) 378
Octopus and *Lake*, comparative analysis of test trials between, comment on (Skerrett) 849–852
Octopus type, amendment relative to (Lilley) 30
No objection by Lilley, to (Kellogg) 372
Superior to Lake type (Spear) 243
Patents chief values and assets of (Butler, Marion) 123
Patents on (Lilley) 38
Not yet expired (Metcalf) 285
Statement as to merits of (Capps) 299
Reference to 4 to be sent to (Kellogg) 380
Plans of and time necessary in which to construct (Lilley) 40–41
Plants or shipyards for constructing, none owned by boat companies (Lilley) 37
Price of, fixed by board on construction (Spear) 242

SUBMARINES—Continued. Page.
Testimony relative to—
Profit on (Spear) ... 241
Excessive, paid to Electric and Holland companies ... 32
Excessive, in contracts, statement as to (Capps) ... 297
Excessive (Lilley) ... 45
Margin of, statement as to (Spear) ... 229
Not excessive (Flint) ... 1449
Per boat, table showing, excess (Lilley exhibit) ... 355
Percentage of (Lake) ... 1100
Propositions concerning (Gordon) ... 397–415
Recommendations of Board on Construction—
June 28, 1907 (Appendix B) ... 311
June 22, 1907 (Appendix A) ... 308
Report on, from Secretary of Navy, 1907 ... 238
Reports on—
Extracts from, how often and by whom sent (Skerrett) ... 879
Received anonymously (Skerrett) ... 862
Resolutions and amendments offered in Naval Committee and votes thereon ... 423–424
Schedule of bids for April 30, 1907 (Appendix C) ... 313
Secretary of the Navy—
Annual report 1907, extract from ... 265
Recommend four (Lilley) ... 41
Secret specifications (Rice) ... 457
Size of, English and American (Rice) ... 452
Specifications for (Spear) ... 468
How made, not competent to testify (Rice) ... 456
Navy Department controlling factor in making (Spear) ... 468
Speed of *Lake* and *Octopus* discussed (Skerrett) ... 848
Stern-diving rudders, not competent to testify as to ... 456
Strength, requisite for (Bowles) ... 1740
Subsurface boats not comparable with (Micou) ... 749
Superstructure, findings of board on, disagrees with (Skerrett) ... 887
Thurston drafted bills for ... 1059
Time required to construct (Lilley) ... 44
Time too short to construct rival to *Octopus* (Lilley) ... 30
Ton, not sold by (Capps) ... 299
Tonnage price decreased in last six years (Lake) ... 1091
Trial tests practiced as to premiums and penalties (Skerrett) ... 854
Type of, selection of could be made from plans (Lilley) ... 45
United States does not pay more for, than foreign governments (Flint) ... 1448
Vessels used to show off; do not remember names of (Rice) ... 461
Voted for in 1906 (Lilley) ... 1551
SUBPŒNAS, resolution authorizing Speaker to issue ... 71
SUBPŒNAS DUCES TECUM, witnesses desired by Mr. Lilley, issuance of, to ... 21
SUBSURFACE BOATS:
Testimony relative to—
Congress appropriated for (Berger) ... 687
Contract, proposed Government, details of (Berger) ... 690
Description of (Berger) ... 686
Hobson, R. P., makes motion for, before committee ... 693
Lilley voted for, in committee ... 1365
Model of, before Naval Committee (Lilley) ... 43
SUBSURFACE TORPEDO BOAT COMPANY:
Testimony relative to—
Berger, Clarence L., consulting engineer for ... 685
Letters and documents received from, by Navy Department (Berger) ... 691
Micou, Benjamin, the counsel for (Berger) ... 688
SUETER, COMMANDER, MURRAY F. (English officer):
Article written by, no idea of truth or falsity of (Rice) ... 451
Quoted (Skerrett) ... 853
Quoted from French budget ... 455
Work on naval architecture by, high authority (Skerrett) ... 873
SUPERSTRUCTURE, findings of board on, disagrees with (Skerrett) ... 887
SYNOPSIS OF FACTS, relative to the action of Congress and the Navy Department in connection with submarine boats ... 244

	Page.
TALBOTT, JOSHUA F. C. (a Representative from Maryland):	
Testimony relative to—	
Electric Boat Company has no agent or attorney in district of (Frost).	501
TARANTULA. (*See* Submarines.)	
TAYLOR, ADMIRAL, Chief Bureau of Navigation:	
Testimony relative to—	
Acquainted with (Skerrett)	859
No conversation with, about Nelson report (Skerrett)	859
TAYLOR, FRANKLIN A., vice-president and general manager Randolph-Clowes Company, Waterbury, Conn	471
Subpœnaed	422
Telegram to, from John P. Kellogg (exhibit)	488
Testimony of—	
Articles manufactured by, sold to any company that manufactures boats	483
Boston Herald, concerning bribery charge in	478
Corrupt influence not exercised on, to influence Lilley	478
Electric Boat Company—	
Corresponded with, concerning air flasks	472
Did not ask Lilley's vote at instigation of	477
Did not suggest my conferring with Lilley	474
Possibilities for doing business with	484
Frost, Elihu B., did not procure, to see Lilley	506
Kellogg, John P.—	
Conversation with, concerning seeing Lilley	489
Requested by, to see Lilley	374
Lake Company—	
Called on, did not get cordial reception	483
Called on, January, 1905	472
Lilley felt, had not had a fair chance	487
Lilley, George L.—	
Acquainted with	471
Adverse decision in case of, would go on floor and tell about submarines	476
Desired open competition	489
Employed by nobody to solicit influence of	488
Expected adverse decision from select committee	476
Felt Lake Company were not getting square deal	475
First conversation with, at Waterbury, Conn	473
Influenced by, to vote for submarines	481
Politics have supported in	474
Referred in charges to me as man of influence from his home town	477
Submarine boats, no use for	485
Submarines, no use for	487
Submarines, told him to vote for	473
Newport, R. I., test, knew of result	486
Offer of $2,000 by Lilley, not made to	478
Submarines, talked with Lilley concerning	472
Testimony relative to—	
Bribe, no suggestion of, to (Kellogg)	388
Lake Boat Company, no business relations with (Kellogg)	376
Lilley approached by	35
Lilley, conversation between, concerning submarine legislation (Kellogg)	376
No authority to influence Congressmen (Rice)	460
Not acquainted with (Bowles)	1739
Submarine legislation, talked with, in general way (Kellogg)	374
Urging vote for submarines, nothing reprehensible in (Lilley)	1338
Visited Lilley, on behalf of Electric Company	1565
TAYLOR, ROBERT W., reference to report by, of Lessler investigation	35
TESTIMONY:	
Copies of, available to public	20
Counsel may appear for persons affected by	20
Lilley not prepared to give	15, 18
Relevancy of, statement by chairman	249

THEALL, E. S.: Page
Clerk Committee Naval Affairs, House of Representatives..... 1543
Certificate of..... 423-424
Testimony of—
Identifies minutes of committee..... 1543
THOMAS, W. AUBREY (a Representative from Ohio):
Testimony relative to—
Electric Boat Company has no agent or attorney in district of (Frost).. 499
THOMPSON, ROYAL W., private secretary to Senator Bulkeley, New Britain, Conn..... 1710
Testimony of—
Lilley, no conversation with, concerning resolution..... 1714
Resolutions, gave advice as to drawing..... 1711
Webster—
Have not read testimony of..... 1710
Requested assistance in drawing resolution..... 1711
Testimony relative to—
Consulted with, concerning drawing of resolution (Webster)..... 1647
Lilley resolution, suggested changes in (Webster)..... 1651
THURSTON, J. M., ex-United States Senator, Washington, D. C..... 1049
"Hall Mark" his..... 1196
Lake Torpedo Boat Company, statement concerning production of books and papers..... 1081
Letter to House Committee on Naval Affairs, requesting hearing..... 1052
Questions submitted by, to witness Bowles..... 1749
Browne..... 1472
Carvalho..... 1390
Flint..... 1456
Lilley..... 1355
Osborn..... 1420
Skerrett..... 847
Secretary of Navy, letter to, concerning reference of law to Attorney-General..... 1050
Subpœnaed..... 422
Testimony of—
Congress, Members of, statement as to influencing..... 1055
Contract offered, Lake Company opposed to accepting..... 1208
Dictated letter to select committee dated March 19, 1908, signed by Lilley..... 1421
Electric Boat Company, not attorney for..... 1059
Foss, George E., requested hearing before naval committee..... 1051
Hearing refused, by naval committee..... 1051
Investigation not instigated by Lake Company..... 1051
Lake Boat Company, attorney for..... 1050
Lake, J. C., letter from, can not find..... 1173
Lilley, called on at New Willard..... 1056
Lilley, declined acting as attorney for..... 1056
Lilley, New Willard luncheon, present at..... 1207
Lilley resolution, no knowledge of, until offered..... 1055
Lilley, suggested outline of examination of certain witnesses..... 1056
Lilley's statement, Committee on Rules, prepared by..... 1203
Naval act, 1907, statement as to exclusiveness of submarine provision. 1057
Newspaper articles, no impropriety in publishing..... 1055
New Willard luncheon, present at..... 1206
New Willard luncheon, statement of Lake Company position, at..... 1206
Postal cards, Lake asked about sending to Congressmen..... 1054
President, Connecticut delegation, do not think called on..... 1207
Secretary of Navy, identifies letter to..... 1049
Submarine report, permitted to read by, Secretary of Navy..... 1179
Submarines, contracts for, suggested equal division between two companies..... 1058
Submarines, drafted bill for..... 1059
Testimony relative to—
Authorship of amendment to act of March 2, 1907 (Lilley)..... 60
Counsel, did not employ as (Lilley)..... 54

THURSTON, J. M.—Continued. Page.
Testimony relative to.
Disagreed with, in part, as to superiority of *Lake* over *Octopus* (Skerrett) 886
Lilley, did not advise as to conference with (Neff) 1183
Neff (or Neth), suggested conference with (Lilley) 54
Referred to as attorney for Lake Boat Company 52, 396
Rules Committee, preparation of statement to, assisted in (Lilley) 60
Suggestions of (Lilley) 54, 55
Talked with (Lilley) 53, 54
TINKER, JACKSON:
Testimony relative to—
Erly and Broussard, at Shoomaker's with 1045
TONNAGE:
Testimony relative to—
Important factor of cost (Flint) 1449
Submarines, cost of, not figured by (Bowles) 1750
TORPEDO BOATS. (*See* Submarines.)
TORRINGTON NATIONAL BANK, director in (Lilley) 1335
TOWNSEND, C. E., a Representative from Michigan:
Testimony relative to—
Gordon, W. D., do not know as to talking with Edinborough 712
TRACEY, THOS. F.:
Testimony relative to—
Doorkeeper House of Representatives, represents Connecticut newspapers (Lilley) 1594
"TRAVELING SALESMEN" FOR ELECTRIC COMPANY:
Testimony relative to—
Naval Committee, did not charge members of, with being (Lilley) ... 1502
TREADWELL, AUGUST, Jr., assistant secretary and assistant treasurer Electric Boat Company, 11 Pine street, New York 740
Supœnaed 422
Witness, desired as 16
Witness, subpœna of, as, insisted upon (Lilley) 23
Testimony of—
Attorneys, none employed by company whose names have not been given 742
Books, vouchers, etc., none destroyed by company, all in Rice's custody 744
Campaign contributions not made by company 740
Newspapers, not subsidized by Electric Company 741
No money paid that does not appear on books 744
TREASON, whether obtaining and divulging secrets of naval architecture, discussed (Skerrett) 876
TRUSTS, how created (Rice) 435
TYPEWRITERS:
Testimony relative to—
Haynes permitted to prepare sample papers from (Neff) 1191
Lake Company office, Washington, number in, and make 1183
Questions, prepared for Lilley on 1186
Standard machines, six recognized as (Carvalho) 1375
Work might have been done on, without knowledge Lake Company (J. C. Lake) 1261
Writings on Neff's machines identified 1209
TYPEWRITING (*see also* Carvalho, David N.):
Report of experts as to identifications 1497
Testimony relative to—
Easier to identify than handwriting (Carvalho) 1377
Identification of, absolute certainty (Carvalho) 1387
Identification of certain (Webster) 1273
Identification of, methods used (Kinsley) 1393
Methods of identification (Osborn) 1404
Typewriting, photographic exhibits of .. 1368, 1372, 1374, 1376, 1380, 1382, 1392
UNITED PRESS ASSOCIATION:
Testimony relative to—
Erly, Angus, employed by until time of Lilley charges 1039

Page.

UNITED STATES:
Testimony relative to—
Employees of, worked on Holland boats before acceptance (Lake).... 1105
Excessive profits, does not pay (Flint)..... 1454
Naval rank of (Lake)..... 1097
Submarine construction, behind in comparison with foreign governments (Skerrett)..... 806
Submarines needed by (Lake)..... 1098
Submarines owned by, out of date (Lake)..... 1102
UNITED STATES SUPREME COURT, Grist *v.* Childs, 20 Wallace. Lobbying discussed (Butler)..... 78
VERMONT, U. S. S.:
Testimony relative to—
Lilley, statement as to (Lord)..... 251
VICKERS SONS & MAXIM:
Testimony relative to—
Alleged refusal of English Government to renew agreement with (Rice). 455
British contract with, to be secret (Rice)..... 452
British Government, secret arrangement with (Lake)..... 1099
Contract with Electric Boat Company (Lilley)..... 38
Electric Company, controlled by (Flint)..... 1424
Have benefit of our developments if not secret (Rice)..... 453
How they became licensees (Rice)..... 454
Lake Company, contemplated purchase, interests of (Lake)..... 1083
License granted to (Rice)..... 450
Submarines, contract with, as to improvements (Spear)..... 227
Whether stockholders in Electric Boat Company refuses to say (Rice).. 453
VIPER. (*See* Submarines.)
VIRGINIA, representation of, on Naval Committees (Rice)..... 464
VONN, C. G., as to purchase of yacht from (Rice)..... 454
VOORHEES, ex-governor, New Jersey, Lake Boat Company represented by. 96
VREELAND, EDWARD B. (a Representative from New York)..... 790
Testimony of—
Loud, George A., conversation with, concerning employment of W. D. Gordon..... 790
Submarines, proceedings concerning, before Naval Committee, 1906.. 791
Testimony relative to—
Naval Committee made argument before, favoring competition (Lilley). 1555
WALL, Captain, English officer, discussed submarines with (Skerrett)..... 869
WALLMO, P. G., private secretary to N. D. Sperry:
Testimony relative to—
Lilley resolution, saw, before introduction (Webster)..... 1656
WASHINGTON POST:
Full text of authentic statement of Representative Lilley in..... 10–13
Interview in, by Lilley, charging corrupt practices..... 4
Testimony relative to—
Lake Company article in, Johnson paid for (J. C. Lake)..... 1239
Lilley, George L.—
Interview in, only one authentic..... 10
Interview read before publication (Butler)..... 133
WASHINGTON POST INTERVIEW:
Testimony relative to—
Authenticity of (Lilley)..... 1509
WASHINGTON SANITORIUM, Takoma Park:
Testimony relative to—
Lake, J. C., at, when Attorney-General's report made (Neff)..... 1197
WATERBURY AMERICAN:
Testimony relative to—
Articles written for, by Webster..... 1264
WATERBURY REPUBLICAN, no connection with (Lilley)..... 1526
WATKINS, JOHN T. (a Representative from Louisiana):
Testimony relative to—
Electric Boat Company has no agent or attorney in district of (Frost).. 501
WEBBER, F. N., Sr., special officer, Capitol police:
Subpœna of J. C. Lake, indorsement on..... 901

WEBBER, F. N., Sr.—Continued.
Testimony of— Page.
Bradford, agreement with, concerning detectives ... 1722
Detective agency, agreement with Capitol police ... 1722
Detectives—
Informed Lilley was being watched by ... 1720
Not allowed in Capitol without permission ... 1722
Lilley charge as to detectives, thorough investigation of ... 1723
Testimony relative to—
Adams, conversation with ... 1167
WEBSTER, BENJAMIN, Secretary to George L. Lilley, Waterbury, Conn ... 1263
Books, papers, notes, etc., requested to bring before committee ... 1308
Testimony of—
Affidavit, furnished newspaper men with ... 1266
Affidavits, Lilley authorized giving out ... 1266
Anonymous letters—
Did not write to Edinborough or Carmichael ... 1539
Number received ... 1643
Auditors asked for employment by Lilley ... 1306
Books, papers, notes, etc., unable to find ... 1318
Breach of propriety if subpœnaed ... 1298
Bribery, have not heard Lilley mention ... 1281
Butler, M. C.—
Do not know when testimony of, given ... 1270
Gave out exhibits in suit of ... 1267
Cleveland, Ohio, anonymous letter from, concerning Lord ... 1299
Cleveland Plain Dealer, representative said select committee a joke ... 1299
Commission, resolution introduced for ... 1279
Congressmen, Electric Company condemned for influencing ... 1308
Connecticut newspapers, Washington representatives of ... 1264
Court records, why investigated ... 1270
Dictation notes, do not preserve ... 1282
Edinborough—
Did not request subpœnaing of ... 1298
Questions submitted to, prepared by Lake Company ... 1305
Wrote letter to ... 1531
Electric Company—
Improper practices ... 1275
Lilley charged, with reprehensible practices ... 1275
Lilley condemned methods of ... 1302
Methods toward Lilley ... 1281
Profits, informed newspapers of ... 1264
Resolution restricted to, by Lilley's direction ... 1658
Erly, some testimony of, not printed ... 1264
Evidence before select committee, suppression of ... 1264
Fahy, Mr., gave information concerning Butler case ... 1268
Wrote for Connecticut paper ... 1269
Goff, G. W., wrote letter to ... 1516
Goff letter—
Positive of signing ... 1719
Reflection on committee ... 1518
Written on own initiative ... 1720
Handwriting, sample of, submitted ... 1718
Hay, James, identified ... 1265
House bills, recollection as to writing ... 1273
House Document Room, procured sample resolutions from ... 1274
House resolution 264, preparation of, no recollection as to ... 1488
Investigation, anxious to assist in ... 1272
"Jim Crow" laws, article written on ... 1263
Lake Company, square in legislation ... 1306
Letters, have permission to sign Lilley's name to ... 1516
Letters received, identification of certain ... 1637–1638
Lilley—
Did not care to write Edinborough ... 1531
Had authority to sign name of ... 1716
Method of dictation ... 1282
Method of signing name of ... 1716
Reprimand by, for giving matter to press ... 1270

WEBSTER, BENJAMIN—Continued. Page.
Testimony of—
Lilley—Continued.
Resolution—
Introduction of..... 1278
Told newspaper men of, before introduction..... 1277
Written by..... 1274
Waterbury manufacturer, shook fist at..... 1302
Lilley's speech, how prepared..... 1300
Lord, Lilley sued for libel by..... 1299
Magazine articles, have written..... 1263
Merry del Val, Papal Secretary of State, name in letter received..... 1641
Murray Hill Hotel, Lilley dictated telegram to..... 1653
Naval Committee, resolution originally drawn for reference to..... 1275
Neff—
Assisted in preparing matter..... 1289
Assisted in preparing questions..... 1297
Attended law school with..... 1297
Did not mention Lilley resolution to..... 1288
Do not know whether Lilley knew name of or not..... 1296
Do not remember wording of introduction to..... 1290
Knew of employment by Lake Company..... 1286
Met at New Willard with Lilley..... 1287
Met at Waterbury in August..... 1284
Paper bearing name on Lilley's desk..... 1294
Regretted introduction of resolution..... 1298
Suggested data to assist Lilley..... 1288
Talked with, concerning testimony..... 1298
Newspaper men—
Called often for news..... 1267
Claim investigation a joke..... 1299
Gave information to..... 1265
New York Sun, do not know Waterbury correspondent..... 1281
O'Brien, Matthew, committee criticized by..... 1533
Poe, Mr., called on concerning Butler case..... 1268
Secretary of Navy—
Letter to, condemned practices of Electric Company..... 1304
Neff knew contents of letter to..... 1292
Wrote letter to, from Waterbury..... 1285
Submarines, no articles written concerning..... 1263
Taylor, shook fist at Lilley..... 1302
Telegram to Lilley, statement as to..... 1526
Thompson, Mr.—
Consulted with, concerning preparation of resolution..... 1647
Suggested changes in resolution..... 1651
Typewriter—
Have extra machine from Waterbury..... 1301
New machine, now in office..... 1276
Old machine sent to Waterbury..... 1276
Typewriting, identification of certain..... 1273
Typewritten matter, not furnished to newspaper men..... 1265
Wallmo—
Private secretary to N. D. Sperry..... 1541
Saw resolution before introduction..... 1656
Waterbury American, wrote articles for..... 1264
Witnesses, obtaining names of..... 1289
Yale, graduate from..... 1281
WELLS, ALBERT W. (*See* Bradford detective agency.)
WESTERN CONCERNS, one or two claim to be in field (Lilley)..... 37
WESTERN UNION TELEGRAPH COMPANY:
Testimony relative to—
Rules of company forbid disclosure of messages (Cummings)..... 1762
WHITE, SIR WILLIAM, met once (Rice)..... 452
"WHITEWASHING," select committee, no statement as to (Lilley)..... 1514
WHITNEY, FRED. BROWN:
Affidavit of, April 30, 1908 (Exhibit)..... 1782
Affidavit of illness April 30, 1908 (Exhibit)..... 1784
Called as witness, not present..... 490

WHITNEY, FRED BROWN—Continued. Page.
Subpœnaed 422
Testimony relative to—
Associated with in certain patents (Skerrett) 888
House resolution No. 264, may have suggested (Neff) 1490
Lake Company—
Not now with (Skerrett) 888
Why employed by (Lake) 1073
Lake, J. C., letter to President, prepared by (J. C. Lake) 1260
Lake office, had courtesy of (Neff) 1494
Lake Submarine Company, vice-president of (Lake) .....
Naval appropriation, 1908, might have furnished copy of (Skerrett) 821
Naval committee, while clerk of, rendered assistance (Lake) 1072
Not acquainted with (Lilley) 1527
Private counsel for Simon Lake (Lake) 1069
Skerrett, had conversation with 821
Spear's testimony, sent copies to (Skerrett) 888
Typewriters, in Lake office, had use of (Neff) 1494
WILLARD HOTEL. (*See* New Willard.)
WILLARD STORAGE BATTERY COMPANY, Lake Company purchases machinery of (Lake) 1076
WILLIAMS, JOHN SHARP, (a Representative from Mississippi):
Lilley, Geo. L., denies alleged newspaper interview accusing 9, 10
Resolution for investigation of Mr. Lilley's charges, offers amendment to .. 8
Testimony relative to—
Concerning appointment from, on Naval Committee (Hobson) 64, 65
Hobson, R. P., purposed recommending to Speaker (Clayton) 344
Influence with, denies having (Spear) 217
Lilley, George L., accusations by, concerning (Lord) 251
Presented recommendation to, concerning Naval Committee appointment (Gregg) 70
WILLIAMS, W. H., declines to act as counsel for Mr. Lilley 17
WITNESSES:
Examination of, to be by members of committee 20
For committee to say whether those named by Mr. Lilley shall be examined. 24
Lilley, ready to furnish addresses of 23
Lilley, as to calling and examination of, by 14–15
Subpœnas to certain, deferred 21
Testimony relative to—
Called in wrong order (Lilley) 1325
Desired to be called, notification of committee 1485
Neff furnished names of (Lilley) 55
Names of others to submit (Lilley) 61
Responsibility upon committee to call (Lilley) 24
WOODWARD, THOMAS J., postmaster, New Orleans 1766
Testimony of—
Lake, J. C., no special delivery or registered letters received by, in New Orleans 1766
WOOLEY, R. W., correspondent N. Y. World, 1336 I st., Washington, D. C.. 104
Statement, desires to prepare and submit in writing 367
Testimony of—
Bannon, H., assisted Lilley to correct interview 788
Broussard, statement concerning conversation with Erly 781
Creecy, C. E., called on to secure interview 104
Denies Lilley's testimony as to Erly-Broussard matter 785
Erly, Angus A., requested straightening out of joke 782
Conversation with, concerning Lilley charges 1041
Hamilton, E. A., went to Shoomaker's with, March 7, 1908 780
Lilley, George L.—
Conversation with, concerning Broussard and Erly 781
Did not ask as to challenging Broussard right to sit on committee. 789
Did not know of telegram from World 104
Interview with, concerning Erly-Broussard matter 783
No criticism of any member of committee 106
Told of Norcross-Broussard-Erly incident 782
Unsatisfactory man to get information out of 104
Lilley interview will bring before select committee 788

WOOLEY, R. W.—Continued. Page.
Testimony of—
Lilley made statement as to "traveling salesman or that they were ticketed" 789
Lilley's secretary called at my office for original copy of interview 787
Newport submarine trials, entertainment at 104
Newspaper article, March 8, 1908, admits authorship of 106
Reporter New York World, referred to as (Chas. Eaton Creecy) 95
Statement submitted to committee, by 780
"Whitewash," Lilley believed investigation would be a 106
WOMAN, influence of. (*See* Members of Congress; legislation.)
YELLOW DOG FUND:
(*See* also Campaign funds.)
Lilley, George L., testimony relative to 132

O